

IDAHO PARKS AND RECREATION BOARD
REGULARLY SCHEDULED QUARTERLY MEETING MINUTES
JANUARY 17, 1990 - BOISE, IDAHO

On January 16, 1990, the board and staff met with the Joint Finance and Appropriations Committee where Director Ferrell presented the department's budget request for fiscal year 1991. Following that presentation, the board held a work session. Albion Campus Study and Heyburn General Development Plan were discussed. No action was taken during that meeting. The board and staff met for a training session with Dr. Freemuth and Dr. Wetherby, both professors at Boise State University. Idaho Parks and Recreation Board members and the director met jointly with the Idaho Foundation for Parks and Lands board members that evening.

Chairman Shewmaker called the regularly scheduled quarterly board meeting to order at 8:30 a.m. in the Idaho Department of Parks and Recreation's conference room at 2177 Warm Springs Avenue with the following board members in attendance:

Glenn Shewmaker, Chairman, Kimberly
Ren Thomson, Vice-Chairman, Malad
Robert Thomas, Member, Coeur d'Alene
Tom Neal, Member, Moscow
Sheila Robertson, Member, Boise
Monte Later, Member, St. Anthony

Also in attendance during all or a portion of the meeting were the following:

Yvonne S. Ferrell, Director, Boise
Ruth V. Kassens, Administrative Assistant
Rinda Just, Deputy Attorney General
Steve Anderson, Sr. Controller
Bill Dokken, Chief, Operations Bureau
Merl Mews, Chief, Development Bureau
Jim Poulsen, Chief, Recreation Resources Bureau
Rick Just, Information Chief
Lew Munson, Trails Coordinator
Mary Preuit, Personnel Manager

Tom South, Consultant
William Schnurr, Hidden Lake
Roy E. Mosman, Hidden Bay
Henry M. Mayer, Hidden Bay
Dean Miller, Reporter for the Spokesman Review, Spokane, WA
John S. Chapman, Attorney, HSP Leaseholder's Association
S. M. Doran, Heyburn State Park Leaseholder's Association
Tom Glass, Idaho State Snowmobile Association
John Barringer, Idaho Conservation League, et al
Representative Bruce Newcomb, Albion
Blaine Graff, Boise
Jim Kempton, Albion

Donald B. Danner, Mayor, Albion
Mark Stallman, Idaho Citizens Network, Boise
Hugh A. Harper, Boise

INTRODUCTION OF GUESTS

Chairman Shewmaker introduced guests--Mr. William Schnurr, Mr. Roy Mosman, Mr. Henry Mayer, Mr. John Chapman, Mr. Sam Doran, and Dean Miller, reporter for the Spokesman-Review, all interested in the Heyburn State Park GDP.

MINUTES OF PREVIOUS BOARD MEETING

Chairman Shewmaker called for any additions, deletions, or corrections to the minutes of the November 3, 1989, board meeting. Hearing none, he called for a motion to approve the minutes.

Mr. Thomas moved that the minutes be approved as printed. Mrs. Robertson seconded the motion.

Chairman Shewmaker called for discussion on the motion. Hearing none, he called for a vote on the motion.

All votes were cast in favor of the motion. Motion carried.

AGENDA

Chairman Shewmaker called for any additions or deletions to the following board meeting agenda.

OLD BUSINESS	AGENCY FINANCIAL STATEMENT AMENDMENTS TO RECREATIONAL LEASING RULES/LEASES AT HEYBURN STATE PARK HEYBURN STATE PARK GENERAL DEVELOPMENT PLAN AMENDMENTS TO GROUPS USE FEES NAME THE PARK CONTEST ALBION CAMPUS STUDY
NEW BUSINESS	APPOINTMENTS TO ORMV FUND ADVISORY COMMITTEE PROPOSED AMENDMENTS TO EXISTING RULES WATERWAYS IMPROVEMENT FUND LWCF FUNDING CYCLE SCHEDULE CERTIFICATE OF VALOR COMMUNITY SERVICE AWARDS
STAFF REPORTS	ACQUISITION AND DEVELOPMENT SCHEDULE UPDATE PRELIMINARY REPORT ON MARY MINERVA MCCROSKEY MEMORIAL STATE PARK GENERAL DEVELOPMENT PLAN
DIRECTOR'S REPORT (Oral Report)	* Idaho Endangered and Threatened Plant Program * Centennial Trail * Governor's Recommended Budget * Centennial Park

BOARD MEMBERS
REPORTS:

EXECUTIVE SESSION: Under authority of Idaho Code § 67-2345, an executive session may be held to discuss personnel, land acquisition, and/or litigation.

Director Ferrell asked to make a report to the board on a recent land use issue at Malad Gorge State Park.

Hearing no objections, it was so ordered.

OLD BUSINESS:

FINANCIAL STATEMENT FOR THE DEPARTMENT

Chairman Shewmaker called on Mr. Anderson to present the financial statement to the board.

Prior to presenting the financial statement, Mr. Anderson noted that the board received a summary of the items that the Governor recommended for the Idaho Department of Parks and Recreation's budget for fiscal year 1991. Since that time, the Governor has added Mesa Falls to be paid for from surplus funds. The capital improvement items over the next four years that are included in the Governor's budget for FY 1991 would be \$165,000 and in 1992 FY would be \$173,300 for renovation of this office complex. There are some other things involved because of the radiation cleanup project and staff is not sure how that's going to interface with those plans, but at this time the Governor's budget recommends that those funds be made available to this agency. Another item the Governor recommended is the region office/shop in Coeur d'Alene for FY 1992 for \$371,300. The Governor also recommended \$189,800 for the Hells Gate Marina Concession building in FY 1994.

Director Ferrell said that is a recommendation only since funds cannot be appropriated beyond a year. The Governor's recommendation should not be foreseen as an absolute given at this point. Mr. Anderson added that the idea of having a long-range capital plan is unique in the state of Idaho. It's a positive approach to the Idaho budget and would be nice to see happen.

Mr. Anderson presented the following financial analysis for November, 1989:

Generally there has been little change from October. Revenues are running about as projected. While the enterprise account is overstated by about \$7,000 ± there was still a substantial increase in revenue from Spring Shores. The State Vessel Account is showing an increase that was mostly due to timing of last year's year-end registrations. The gas tax related accounts (1247, 1250, 1260) are running close to last year. Winter registrations for cross country skiing and snowmobiling are lagging due to lack of snow. The Park and Recreation Account is showing a small increase. The donation account

reflect the transfer of McCroskey funds to the Park Land Trust Account where it will earn interest.

The motorbike account continues to show a good increase. And the RV account has been continuing to show monthly increases after a delay in the flow of registrations at last year end. The flow of federal funds is mostly declining, except for the Boating Safety Account which has experienced a good increase over last year. The Harriman account has had a good interest earnings to date.

Personnel costs appear normal at this time with some overall salary savings beginning to accrue and a substantial dividend on workers compensation insurance to be given in December. Operating expenses are generally indicating early expenditure of increased budgets in this cost group. This requires that we continue to monitor the spending rate and advise program managers of any trend toward over expenditure of budgeted funds.

Most cash balances appear to be normal at this time and will sustain the currently budgeted funds flow. However, the Capital Improvement Account was budgeted particularly heavy this year and will remain very close to cash flow. Additional emphasis on management of this fund will be required for the remainder of this year.

In summary, revenues appear to be close to projections, with some increases evident. Expenditures, while showing early acceleration in operating expenses, are within manageable range. All other expenditure classes are well controlled based on initial commitment of funds. Analysis of the capital improvement account will continue in order to avoid cash flow problems in coming months.

The financial statements are attached hereto and are hereby made a part of this record.

Chairman Shewmaker called for discussion on the financial report.

Mr. Thomas said he was approached with a question the other day that he couldn't answer. The department receives Coast Guard Boating Funds, 1370, which is based on federal gas tax. Is there any federal refunds from gas tax for snowmobiles and ORV's? Mr. Anderson said there is no program or funds appropriated for snowmobiles or ORV's on the federal level. Director Ferrell reported that she is aware of a bill that Senator Symms has drafted. It has not been introduced in Congress. It would set up a pilot program for three years giving states an opportunity to develop a trail program in their state, which Idaho already has. It would take the federal portion of the gas tax that goes into ORV's and make it available to states on a formula based on the number of registered vehicles, etc. Senator Symms sees this bill as the answer to the Land and Water Conservation Fund (LWCF) and the American Heritage Trust (AHT), however, this bill would only develop, acquire,

and maintain trails for multiple-use on public and private lands. It would take those moneys out of the federal highway trust fund and return it to states having an authorized program. Estimates are between \$50- and 100 million available in that fund nationwide. Director Ferrell added that it would take congressional legislation to get those funds from the federal gas tax fund to the states. Mr. Thomas said the off-road vehicle advisory committee should address that. Director Ferrell said they are aware of it.

Mr. Later moved that the board accept the financial statement. Mr. Thomson seconded the motion.

Chairman Shewmaker called for discussion on the motion. Hearing none, he called for a vote on the motion.

All votes cast were in favor of the motion. Motion carried.

AMENDMENTS TO RECREATIONAL LEASING RULES/LEASES AT HEYBURN STATE PARK

Chairman Shewmaker called on Mrs. Just to make the report.

Mrs. Just presented the following written report:

Attached is the hearing officer's report relative to the proposed amendments to the Heyburn leases/rules.

The report contains comments and recommendations resulting from the public comment process. Following the report are the following documents:

1. Proposed rules/leases in legislative format as you saw them at your July board meeting;
2. Rules as they would be filed in final format including changes recommended in the staff report;
3. A representative contract as it would be issued, including the changes recommended in the staff report.

Leases for full-time occupants, and leaseholders occupying cabins indented for phase out under the general development plan will differ slightly from the representative contract as discussed in the staff report.

Staff recommendation is that the board approve the rules and leases as recommended in the hearing officer's report and direct staff to promulgate the amendments to the rules and to finalize and issue the new leases to leaseholders.

The above enumerated items are attached to this report and hereby made a part of this record.

Mrs. Just noted that the board has had the proposed changes to the leases and to the leasing rules at Heyburn state park since prior to the July board meeting. Since that time they have been put out for public comment. Written comments were received, there was a public hearing held in Moscow, and at the November board meeting the board received a compilation of the comments, both oral and written, which had been received on the proposals. Following the November board meeting, staff met, looked at the comments, discussed them at length, and provided the board with a hearing officer's report which included staff recommendations or responses to the comments. Mrs. Just added that she would like to review some of the highlights that were changed or some things that were not changed as a result of the public input process.

The first comment was suggested by several people, that the leases rather than be amended at the 5-year point of a 10-year lease, they would prefer a new 10-year lease be issued now. Staff thought there was probably some merit to that, so it is staff's recommendation that rather than amend the existing leases at the 5-year point that the leases be reissued effective January 1, 1990, for a 10-year term which would then expire December 31, 1999.

There were many comments regarding the 6-month limitation on occupancy. Most of the comments revolved around security provided by fulltime residents and suggesting that occupancy limits could affect property values. Several people suggested alternatives including 8-9 or 9-10 months. The staff discussed those comments, and it is the staff's recommendation that the 6-month occupancy not be altered. The reasoning behind setting it at 6 months is anything over 6 months, people tend to use that as their primary residence even if they're not using it 12 months out of the year. Using it 9 months of the year carries with it all of the problems that the department associates with full-time occupancy, and in order to discourage it becoming the primary domicile with all of the accoutrements of it being a primary domicile, the staff recommends that it be left at 6 months.

Mr. Neal said, when you refer to six months, it doesn't mean that the lessee would live there from April to September steady. It means a lessee could go in January, March, every other month if they wanted to and live there all month long. And so lessees can go there any time they want. But how is it going to be policed? Who's going to say that they've lived there six months?

Mrs. Just responded, this question came up at the public hearing and the way she addressed it then was that this agency certainly isn't going to have attendance police standing at the park entrance keeping track of the days that any given person is using their cabin in the park. Park staff is fairly aware of who is in the park and when. While it may not be possible for the park staff to determine the 162.5 days that someone is there, they are certainly going to know if someone has been there 7 or 8 months. It will be obvious. People who use their cabins on an intermittent basis, a week or two, or weekends, are never even going to come close to the 6-month occupancy, so staff doesn't foresee that as a problem. The park staff will try to keep an eye on things and try to have some idea of who is there when, and deal with it if it becomes evident that someone has clearly exceeded the

6-month limit. The feeling is that it will not be a major enforcement problem. There are people who have been grandfathered in for full-time occupancy, and the park staff doesn't feel that it will be a problem with them enforcing it with the others.

Several people commented that lessees should be able to rebuild cabins that have been destroyed by fire or falling trees. At present the board policy prohibits, strictly, any reconstruction, rebuilding, or replacement of destroyed cabins. As proposed, the rules and leases would allow for the director and/or board to make a decision on a case-by-case basis whether or not a destroyed cabin would be allowed to be rebuilt, which is somewhat of a broadening of the existing policy. The general development plan, as proposed, specifies particular areas where particular cabins are appropriate. It also points out, where cabin use remains, that they create safety and health problems by their proximity to one another. Those are certainly issues that need to be considered in making a decision whether any given cabin should be replaced. The idea was to liberalize the plan somewhat, but to make that decision on a case-by-case basis. There certainly may be cabins that might be destroyed that would be absolutely inappropriate to allow them to be rebuilt because of space and location constraints. On the other hand it might be perfectly appropriate that the cabin be rebuilt. There is an appeal provision to the board in the event that someone is unhappy with the director's decision.

Probably the most controversial issue relative to cabin site leasing had to do with satellite dishes. Currently, satellite dishes are not a big problem in the park. There are several people who do have them. There are several locations in the park where they would be impossible to install and as a result they haven't proliferated. Staff felt strongly that satellite dishes in the park were not necessarily appropriate. The original rules had a strict prohibition against any satellite dishes and all of them would have had to be removed. After debating the issue at length, it is staff's recommendation that satellite dishes should be allowed to remain so long as the people who installed them continue to own the cabin but no new satellite dishes be installed. In the event the existing satellite dish owners sell or relinquish or assign their interest in the lease, those existing satellite dishes would be removed. So it's a long-term goal that satellite dishes would eventually be removed from the park, but those who currently have them would be allowed to keep them.

Mrs. Robertson, addressing Mrs. Just, said, you stated the original rules said that they were prohibited. Is it correct to assume people have gone ahead and put them in anyway? Mrs. Just explained that the old rules did not address satellite dishes. Any improvements had to be approved by the park. The first proposed rules the board looked at in July had a strict prohibition against satellite dishes. They weren't addressed in the old rules. The proposed rules prohibited them.

Mr. Later asked if any park staff residences have satellite dishes? Mrs. Just said the park manager does have a satellite dish. There's a difference of opinion on this issue among some staff. From a legal standpoint, Mrs.

Just said her opinion is that park staff are a little bit different in that they are required to live in the park. They don't have a choice. Whereas anyone else who lives in the park as a lessee has a choice to live there or not. There are people who are not happy that our park manager has a satellite dish, but he has no choice but to live in the park. Park employees do not come within the leasing rules. Two park employees had satellite dishes, but one dish has been removed.

Mrs. Just said relative to the rule that deals with construction and improvements, the board's policy for quite some time was a moratorium on any building, any construction, any enlargement of cabins. That's been fairly strictly enforced where staff could determine that lessees were performing that kind of activity. Part of that was because there was a lot of uncertainty about the future of what cabin leasing within Heyburn State Park was going to be. The general development plan calls for the majority of cabin sites to remain in the park on a long-term lease. Based on that general development plan recommendation, staff felt it would be appropriate to allow people who had very small cabins to increase the size of their cabins to make them more useful, improve the cabin appearance and to generally try to upgrade the status of some of the very small and very old cabins. Staff was very concerned that this not get to be a situation where people were building very expensive and very large homes in the park, so staff recommends there be a cap on any expansion and that only cabins less than 1000 sq. ft. could be enlarged and they could not be enlarged to exceed 1000 sq. ft. So if someone had a cabin with 1200 sq. ft., that's adequate for a recreation cabin and no enlargement would be allowed on a cabin of that size. However, there are many people who have cabins that are 500 or 700 sq. ft., where squaring up a corner or enclosing a deck would make a significant difference in the cabin's useability, and if the department is going to manage leases for the long-term, there is some kind of an ethical obligation to make them nice, and to encourage the lessees to make them nice so the cabin's appearance is suitable for the park. So the change to that rule would be a liberalization of the board's old policy which was absolutely no new construction. The general development plan does identify certain cabins for long-term removal and those particularly identified cabins would not be allowed to expand. Staff would certainly encourage lessees to maintain the up-keep during the term they are going to be there, but would not allow them to expand, and the leases to those people would so note.

Mrs. Just said the rule which deals with establishing fair market value of improvements elicited a great deal of outcry about staff's recommendation in the proposed rules that the fair market value of cabins be determined by using the county's assessed valuation. Many people pointed out that in Benewah County currently, the assessed valuations are very low which is to people's advantage when it comes time to pay taxes but might not be to their advantage when it came time to be compensated for any improvements that they might have on their lease lots. Benewah County, in 1990, is going to be doing a fairly thorough assessment of the cabin sites in the park and will be updating their appraisals. This is something they have had on their agenda long before it ever became an issue with this agency. In addition, the department has started providing information on sales to the assessor in the

hopes their records could become more updated. However, because so many people did feel that was an unfair way to establish the value of cabins, staff recommends a three-choice system. Any of the three choices would require mutual agreement of both parties. It would not be the department's intent to choose which of these three methods would apply and order any given lessee to submit to any given method. The option to use the county assessor's valuation is there because it may be, in the future, that their valuations are very accurate reflections of the value of the property and if the lessee is comfortable with that, the department is not going to argue with that. That option could save everyone the price of an appraisal. The second option would be that if the lessee and the department could agree on an appraiser and an appraisal methodology, then one appraiser would be used to set the value, and it's staff's recommendation that the appraiser be paid for by the lessee. Staff thought that it is up to the lessee to establish the value of their property and the lessee, if they were selling it on the open market rather than selling it to the department, would be responsible for the costs of an appraisal. The leaseholders have indicated that if it was a one-appraisal process, that the appraisal costs should be split between the lessee and the department. The third option is to cover the situation where the department and the lessee may not be able to agree on an appraiser or an appraisal process. Unfortunately, it has been this agency's experience that that often happens. In that event, the department recommends that the rules allow for the lessee and the department to each hire their own appraiser, which would have to be certified MAI or SRPA appraisers with each party choosing their own appraiser. Those certifications require a certain methodology and no two appraisers ever value anything the same and rather than bring in a third appraiser to try to mediate between the results from two appraisers, the department suggests the average of the two values be used. Under this proposal, each party would bear the cost of their own appraisal. Staff's experience has been that in the Heyburn area, using an MAI or SRPA certified appraiser is a very expensive process. The last time the department tried to hire one, the closest one was out of Spokane and the difference in costs for that appraisal and the difference in costs of an appraiser who performs bank appraisals was about \$1200. So, if the lessee and the department could agree locally on an appraiser who could do a good job, it would be much less expensive for all parties involved. But in the event both parties can't agree on that, then it would be necessary to use a certified methodology so there is no disagreement about how it is going to be appraised.

Those were the major comments that resulted in either changes to the rules the board saw in July or major comments that staff opted not to make changes to. There are certainly other things that are discussed in the hearing officer's report.

Mrs. Just said staff is asking the board for a final decision on what is going to be in the leases and a final decision on what is going to be in the rules. The contents of the lease is a matter that is pretty much up to the board's discretion, as they do not fall within the Administrative Procedures Act (APA), although they have been through the public hearings just the same as the rules. The rules, however, have been promulgated under the APA. Once

the board makes a final decision, the rules will be finalized, filed in this office, sent to the libraries in this state, and will become effective 20 days from the date they are filed in this office.

Mr. Later asked if the people who attended the hearings and made the comments had access to the responses? Mrs. Just said they have. When staff discovered these rules and leases would not be before the board during the November meeting, she sent out a letter to everyone that had commented indicating that the comments had been compiled and the compiled comments would be made available to them in November. After the hearing officer's report was prepared and had been sent to the board, it was mailed to every lessee in the park along with a copy of the rules and the leases as they would be in final form, if the board approves them in final form, with a notation of course, that they were merely a recommendation to the board and that the board certainly has the right to change them.

Mrs. Robertson asked if there were any counter responses to the mail out? Mrs. Just said the only response received was a January 9 letter from John Chapman. The board received copies of that letter, also.

Chairman Shewmaker invited others to make comments:

Mr. Chapman said he is the attorney for the Heyburn State Park Leaseholder's Association, and felt it was appropriate to review some history. The Heyburn State Park leaseholders, for a period of 15 years, fought for their rights up to the Supreme Court of the United States on the legal issue that leases are a proper use of the park. This was upheld by the Supreme Court of the United States. After a great deal of expense and many years that went by, the leaseholders position was upheld. The leaseholder's association, approximately 180 leaseholders, feel somewhat frustrated and somewhat threatened by the procedures that are going on. They feel their rights as leaseholders are being changed significantly, that their rights are in jeopardy, and so they feel very, very frustrated, and feel very strongly that some of these changes should not be made in the manner they are being proposed. Mr. Chapman said he just wanted to impress upon the board their very strong feelings that they are being threatened and their rights are being taken away from them. Mr. Chapman said he has, over the last year or so, written various letters to the board, the most recent being of January 9 regarding some of their complaints and concerns in regard to these leases. Mr. Chapman said he agrees with what Rinda Just said on the 10-year lease proposal. The lessees are very strongly in favor of that. Certainly they want to have some security, they haven't had any for years because of this lawsuit and litigation and other problems, so they feel very strongly they would like to have a 10-year binding lease that they can rely on. Unfortunately the present language of the rules really do not uphold the 10-year lease approach, and referred specifically to 26.02.6.b which really provides language that after a 5-year period, the park board can unilaterally amend the lease. In other words what the board is really proposing is a 5-year lease as opposed to a 10-year lease because the way the language is worded, after a period of 5 years changes can be made whether the leaseholder agrees to them or not. Therefore, he would say that is a 5-year lease and

this is not what the leaseholders would like to have. They feel they need to have more security, and if it's a 10-year lease it should be a 10-year lease as opposed to it unilaterally being changed after a 5-year period. So, the leaseholders very, very strongly request that the board consider deleting that language to give them a truly 10-year lease that they can depend on, rely upon, and proceed to make their plans with regards to their cabins. If they're going to make significant improvements on their cabins, and felt it's to the best interests of the park that they do so, a 10-year period is certainly important. Mr. Chapman said he felt the board agrees in general principals that a 10-year lease is a good thing, so he urged the board to make it a 10-year lease that is a legally binding 10-year lease that they can rely upon. That is the major concern with the proposed amendments.

Mr. Chapman added that with regards to the second point in his letter, which deals with the value of the leases in the event of a sale, from what Rinda Just has indicated, the board and lessees are not that far apart on this point. The leaseholders felt very strongly that the assessed value should not be the value absolutely that would be used to determine the fair market value of the leases, as long as these three methods that Rinda Just outlined have to be mutually agreed upon are in effect. He saw nothing wrong with the first method provided the leaseholders would have to mutually agree that the assessed value would be the value used. And if that is the board's intent and that can be clearly stated, the leaseholders would have no objections. That should be clearly set forth, and he is not sure in reading that section that it's as clear as that. That point should at least be clarified. He said they disagree with the second method in the language stated there, that the total expenses of the appraisal be paid by the lessee. If an agreement cannot be reached on the first option, he felt that the expenses should be equally shared between the lessee and lessor, which is much more reasonable, equitable and certainly to the best interests of the state as well as the leaseholders.

Mr. Chapman said with regards to his third point, they have litigated this matter. One of the reasons they did so, it was stated by the Department of Interior originally and then the Indian tribe, that the leasing of cabin sites was a violation of the United States patent that gave the state of Idaho Heyburn State Park. It has been held by the Supreme Court of the United States that this is not a violation. In other words, public use of the park would include private leasing, therefore the patent was not violated. The leaseholders see the state leasing some of the park for commercial purposes, and feel that there could be an argument raised by the states commercial leasing practices that it could be in violation of the patent as well, so they feel there should be some restrictions, at least to the length of those leases, so that there would be no problems with a possible violation of the patent in the future because the patent is still in effect. There has been some movement made by the leaseholders and others to encourage Congress to delete this condition in the patent. If the state of Idaho does not administer the park in strict compliance to this patent, then it could revert back to the United States government, and the Indian tribes take the position it should go to the Indian tribe. So, you are still faced with this risk of a violation of the condition and losing the park for the

state of Idaho. So the lessees feel it should be strictly enforced and that the commercial leasing should be very carefully monitored and that there should be a limit on the length of the lease for any commercial purposes of the park.

The fourth position has to do with the language in paragraph 10 regarding the sewage and gray water disposal. The way it is presently worded, it appears that there are few of the present cabins that could qualify because most of them now would be in violation of the Panhandle Health District rules primarily because the present rules state that the drainage fields should be a certain width, 200' or some other rather restrictive conditions, and that because of the size of the lots and the present cabins that all of the cabins would be in violation, at the moment, of the Panhandle Health District and therefore that would give you an immediate ability to terminate all of the lease. They feel very threatened about this. From my discussion with Rinda Just, it is the staff's interpretation that there is a grandfather's right presently so that unless the sewer system went out completely, that merely because they are presently in violation would not give the board reason to terminate the lease and if that is the case, that certainly relieves the leaseholder's mind greatly. So that should be clarified because the way the rule is stated at the moment, all of the cabins would be in violation and therefore all of the leaseholders could lose their lease immediately. Mr. Chapman added that he didn't think that is the board's intent, but if it isn't, it should be clarified so it would not be an immediate violation of the lease to not comply with the Panhandle Health District rules.

Mr. Chapman reiterated that the lessees oppose the 6-month occupancy rule. They do not advocate that it should be a perpetual residency, but they feel the 6-month occupancy rule is too restrictive; possibly a 9-month, or a more flexible policy be used in enforcing that particular rule.

Chairman Shewmaker asked Mrs. Just to respond to Mr. Chapman's comments.

Mrs. Just said with regard to the 10-year lease, it is correct that the language that provides that at the end of 5 years the department can modify the lease terms. That is language that has existed in the leases that are in effect at the current time. The state is not in the same position as a commercial landlord. Demands on the state and the ways the department manages the resources change much more frequently--budgetary constraints, legislative action, changes in a lot of different ways that don't affect private landlord/tenant relationships, and because of that it would be very difficult for the department to make 10-year commitments without any ability to modify the lease term during that time period in the event that there are significant changes in the way the department is required to manage that property. Mrs. Just added that she can certainly understand where the leaseholders are coming from on this point. As all involved are aware, making any changes to these leases is a very expensive, a very time consuming, and a very challenging undertaking. It is not something staff enjoys and it is not something staff would be expecting to do on a regular basis. Staff feels, because the property is managed for the public and not for some

private commercial benefit, that we would be perhaps remiss in our duties in not allowing flexibility which would allow some lease terms to be changed. Even if these terms are changed, there is a 10-year lease and these people have the right to remain on those properties for 10 years, but the conditions under which they may do that may have to slightly change.

Mrs. Just said with regard to leasing for commercial purposes, she is not clear whether the concern pertains to cabins, which are in fact leased for commercial purposes currently, or cabins that the state might own currently which it would be leasing for commercial purposes in the future, whether it could be commercial leasing of concessions, or whether it could be about camping, which is in fact a commercial purpose. There is a 10-year limit on any lease of state lands; cabin sites are currently limited to 10 years, concessions limited to 10 years, camping to 14 days, and under the proposed rules for fees which the board will be hearing about later, any cabins which might come into park ownership and which would be leased for public benefit are limited to 14 days. State park have a long history, not just in this state but in other states, of leasing public lands for commercial purposes when it is for the benefit of the public. That needs to be distinguished from leasing public lands for private benefit which could be made an argument.

Mrs. Just said with regard to sewage disposal, which was discussed briefly during the work session yesterday, that issue may be clarified somewhat when the decisions about the general development plan have been made. It was not staff's intent to suggest that existing sewage systems which seem to be operating on the land-based sites, that would not necessarily be grounds for terminating leases. What staff was referring to was situations where septic systems fail and it may not be possible to install a new septic system. As was discussed yesterday, there are alternatives to installing septic systems including chemical and incinerating toilets and carrying gray water. So the fact that a lessee doesn't have a septic system or holding tank doesn't necessarily mean that they cannot comply with the health district rules.

In response to a question from Mr. Thomas, Mrs. Just said that the 9th Circuit very specifically said that it was up to the state parks department to make decisions about how the park would best be managed for the public. And to that extent that if the department made the decision that leasing of cabin sites in the park to private individuals was an acceptable use of the park that they did not feel that it was the court's position to interfere in a professional agency's management decision in that regard.

Mr. Doran said that in terms of the concept of a state renting out properties that they have brought, that was the specific point in question. It is being proposed, and is being acted on where the state is buying property and will be renting those properties out. The language does not limit either how many days per year or how many years those properties can be rented out and that was the lessees real concern. It could indeed be rented out for an indefinite number of years or an indefinite number of days per year.

Chairman Shewmaker said he would like to respond to the one concern about the

cost appraisal. Chairman Shewmaker said he felt the cost of the appraisal should be borne by the lessee if they can't accept the first method of appraisal. The state shouldn't have to pay that.

Director Ferrell said in response to Mr. Doran's concerns expressed about how long staff intends to rent out any cabins that the department is able to buy and what the terms are, under the proposed fees, which the board has on the agenda for final approval today, it indicates a 14-day maximum rental in any 30-day period on any cabin that we might own. It is the intent that the cabin rental only recover the purchase cost, and of course these would be cabins that are in the areas that are designated to have cabins removed. Whenever the purchase cost of the cabin is recovered for the state and/or has met what will end up being the final limitation, 15 or 20 years on how long the cabins can remain, whichever comes first, the cabin would be removed. That is the purpose--not to enter into a commercial operation, but to recover the cost, and then remove the cabin within the time frame that will be applied to all other cabins that are recommended for removal. Part of that is in the fee schedule the board will be adopting on other fees applying to state parks.

Mr. Doran said he had never heard these points before and is glad to hear that there are some limitations being put on that, because the information they have been provided does not have any limitation.

Chairman Shewmaker said it certainly wasn't the board's intent due to the health restrictions to cause a breach of the lease. That should not be a concern, either.

Mr. Later said he would like to express an opinion in opposition to the Chairmans with regard to appraisal fees. He said his sympathies are a little bit with the cabin owners who, in the situation we're talking about here, would not necessarily be called a willing seller. With traditional appraisal agreements, those costs should be shared. If we go into option three, it's going to be more costly for everyone involved and thought it would be to both parties advantage to stay with the second option. He wouldn't feel bad about sharing appraisal costs.

Mr. Neal agreed with Mr. Later in that regard. Mr. Neal asked the Chairman if his previous remark was that the board would not be interested in breaching a lease because of health or sewage problems. Chairman Shewmaker said that was his comment, but perhaps he should restate that. It's the intent that the current leases that are within the original health requirements be allowed to remain but problems or any new developments would have to meet existing health requirements, and that's a different matter. He felt the intent is to grandfather in those septic systems that are working.

Mr. Neal said he didn't think it would be the board's position to allow a cabin owner to dump raw sewage on the ground nor operate a drainfield that is obviously polluting, but on the other hand didn't feel the board would immediately cancel the lease. Staff would try to work with the cabin owner

to get a proper system operating and if nothing else they could use a chemical toilet and haul away their gray water. He added he wouldn't want anyone to leave this meeting thinking the department isn't going to do something about it.

Mr. Later said we can't write in permission to violate the Panhandle Health District codes. Our intent is not at odds with Mr. Chapman's wording here about a grandfather right on this. Due to the difficulty in writing that type of language, it might be better to give leaseholders assurance that the board is not going to remove existing facilities who are operating as they have been immediately for that reason.

Mrs. Just said even under the existing leases, or even under the leases as proposed, any time staff discovers there is a problem with that, the lessee would have an opportunity to solve that problem. From the board member's comments today, it is certainly the board's desire to try to work with lessees to make this possible. I think the board stated that it wouldn't be an appropriate thing for the board to try to control the number of leases in the park by using some other issue like sewer systems as a control over leasing in the park. The board is talking about allowing certain cabins to exist and the board is going to be working with those cabin owners to make sure that they are not polluting and that they can continue to stay there. Whether a better way to do that is to try to write it into the rules or whether to put it into the record that that is the board's intent may be the easiest way to deal with that. It may not provide the level of comfort the lessees would like, but she is really concerned about codifying some kind of language that could be perceived as contrary to the health district's mandate.

Mr. Dokken said in working with the leaseholder's association, staff can take care of this problem. The language in central health district regulations is that if the system is functioning then it's grandfathered according to their regulations. It only takes effect when that system fails for some reason or they have to do some work or propose to change the system for some reason or make additions to the cabin, if they're going to put in another restroom or something along those lines.

Mr. Chapman said the leaseholders feel threatened because of the present language. He felt that there is a need to come up with some language to make it a little easier for the leaseholders, so that would be his position.

Mr. Thomas asked if the leaseholders got a copy of this last letter from the Panhandle Health District dated December 29? Mr. Dokken responded that the floathome people have received a copy of it. The other leaseholders haven't.

Mr. Doran said the association has not received a copy of it. This is part of our communications problem. We don't know what is going on.

Mr. Thomas said it has pretty stiff language in there, which puts the board on the spot.

Mr. Later said on another issue, it's easy to relate to the leaseholder's concerns about the 5-year changes to the lease, and indeed the way that reads, the board could change almost anything, I suppose, including the length of the lease after the 5 years. Is there a way that could be written to assure the leaseholders that it was not this department's intent to capriciously or without just cause make changes in that lease without completely eliminating the need to have that provision.

Mrs. Just said it's possible to do almost anything, but in the event the board would find it necessary to make some changes, then you could get into an argument, is it capricious, is it reasonable, terms that are always open to debate. She added that she didn't foresee the board would have any reason to change the length of the lease terms absent a court decision saying the board can't lease in the park anymore, and evidently that issue has been put to rest. Maybe one way to address some of these concerns is to specify particular terms that would not be subject to change, such as the term of the lease. Leases can't be longer than 10 years by law, so probably at the end of 5 years the board could decide that it's a 6-year lease but didn't think that was ever anybody's intent. This time a lot of changes were made, but no change to the lease rate. That issue, and that's one of the reasons that change language is in there, if the board didn't have that language, the commitment to the lease structure made 5 years ago would stand and the board would not have the opportunity to change that for a term of 10 years. There may be some terms that the board would never want to change over the 10-year period, but there may be terms that should be changed. For example, the agency is trying some new things in this lease that have never been done before including monetary penalties for minor breaches of the lease. Some of these things may not work on the ground. If there are particular issues that the board feels comfortable with, perhaps the way to deal with that is to specify things that would not be changed rather than to try to suggest circumstances under which it would be acceptable to make changes.

Mr. Chapman said as an attorney he didn't believe he had ever written a lease that would allow the lessor to change all the terms before the end of the term of the lease. Most unusual. Historically, he felt another reason that the present language is in the lease is because of this lawsuit. In the first place, lessees operated without a lease at all for a period of years during the period of the litigation. All the leases were not renewed during the lawsuit and litigation, before the final decision of the 9th Circuit. It was just ridiculous to operate those without a lease. The parks board did agree to give leaseholders a lease and that lease did contain the 5-year language, but he felt there was a real purpose for that because the litigation had not been finished and there could be a reason to change the terms of the lease in that particular situation. But today it's a whole different ball game. There is nothing wrong with leasing practices as determined by this case and said it is so important, particularly after all these years, to give the leaseholders a 10-year certain period so they can now maintain their cabins properly, make the improvements that they should have made years ago, and it's in the best interests to the parks and to everyone that they be given a 10-year lease that cannot be modified. He felt

there was no reason now to have the 5-year language in here because if one party can unilaterally change it, it is really just a 5-year lease. Basically that's what the present rules require. The lessees feel very strongly that it's going to be to the department's best interest that the leases be for a 10-year certain period that the leaseholders can rely on. The review process is very painful, and difficult, and didn't see any reason to have to go through it again in 5 years. He urged the board, very strongly, that a 10-year certain lease is really in the best interests of everyone.

Chairman Shewmaker asked for any more comments. Staff has recommended that we approve these rules as printed here. Would the board like to take any action?

Mr. Thomas said in reference to the second option on the value of appraisal, he would go along with the department sharing the expense of the appraisal. Generally when a person hires somebody to make an assessment or environmental impact statement, as a general rule the person making it is subservient to the person paying the bill. Under option two, it says the lessee shall bear all the costs which will probably make the appraiser recognize the lessees interests.

Mr. Thomas moved that where it says "costs to be borne by lessee" that sentence be amended to "costs to be borne equally or 50/50 by lessee and lessor". Mr. Neal seconded the motion

Chairman Shewmaker called for discussion on the motion.

Mrs. Just said I assume the motion is for staff to amend the actual rules and leases, not to amend the hearing officer's report, and make the appropriate changes in the actual lease document. Both Mr. Thomas and Mr. Neal indicated that was the intent.

Chairman Shewmaker called for any additional discussion. Hearing none, he called for a vote on the motion.

All votes cast were in favor. None opposed. Motion carried.

Mr. Thomas stated that as a park board and department we are supposed to manage the state parks for the good of the people and the public and felt the board is trying to do that. It appears that in this recreational leasing that the board has gone the second mile on the lessees' interests in the park.

Mr. Thomas moved that the board approve the rules and leases as recommended in the hearing officer's report with the amending language in the motion just adopted and direct staff to promulgate the amendments to the rules and to finalize and issue the new leases to leaseholders. Mr. Neal seconded the motion.

Chairman Shewmaker called for discussion on the motion.

Mr. Later said he thought there was a consensus that the board wanted to make some kind of amendment to the language in regard to compliance or at least the language that suggested immediate termination of the lease for noncompliance to Panhandle Health District regulations.

Chairman Shewmaker asked if the board intended to make an amendment or some statement of the board's intent.

Mrs. Just said her preference is that the board express an intent but felt that Mr. Chapman's preference is that the board amend the language.

Mr. Later said the important thing is that that be in the public record and the board's expressed intent in the minutes of this meeting. Mrs. Just said that would satisfy her concerns.

Mr. Chapman said the language should be changed so that it isn't an automatic termination. The way it's written, on a cabin that doesn't comply fully with the Panhandle Health District rules the lease would be terminated right then and there. The grandfather rights should be allowed and that should be so stated in the rule. He said he is sure that Rinda Just can come up with some language to that effect. That would certainly be the leaseholder's preference because the way it's worded, and they do feel threatened that you could utilize this language to terminate their leases immediately, all of them. And that's a possibility.

Mr. Later said if that is something that is already in the Panhandle Health District regulations, then perhaps it's a moot point. Mr. Neal said it isn't that difficult for them to comply since they can have chemical toilets, can haul away the gray water, etc., and didn't feel the board should change that. This isn't going to be a bang, you're out, type of situation. Staff is willing to work with them. Mr. Neal said he would like the minutes of this meeting to reflect that. He would not like to see this changed.

Chairman Shewmaker said the motion before us is to accept the recommended amendments to the rules, finalize and issue the new leases, with the amendment that we previously approved. Any more discussion?

All votes cast on the motion were in favor, none opposed. Motion carried.

HEYBURN STATE PARK GENERAL DEVELOPMENT PLAN

Chairman Shewmaker said the board held a work session yesterday in which they went over the development plan in quite a bit of detail, but of course this is our formal discussion of it. Chairman Shewmaker called on Mr. Mews to present the general development plan proposal for Heyburn State Park.

Mr. Mews said Mr. Tom South will be presenting the plan and his recommendations to the board.

Mr. South said he is currently consulting for the department, working on the general development plan for Heyburn State Park. He said he is here to present the land use plan for the development, or for the redevelopment of Heyburn State Park for the next 25 years and how these decisions were reached. As noted in the previous board meeting, the study involved a combination of the natural and human resources of the site with the recreating needs for the area. Mr. South noted that if it was raw land with no development, his recommendations would have been much different than what he is proposing today.

To aid in the decision-making process throughout the course of the study, an independent advisory committee of five people from northern Idaho was set up. There was also a special interest committee of all those that had an interest within the park or around the park and those included the community, county, Coeur d'Alene tribe, various other agencies and individuals. Two public meetings were held in Plummer, which is just 5 miles west of the park, to receive any input from the general public about the plan and what they would like to see in the plan. All comments that were received from the public meetings and any letters that were received were not taken lightly. Every item that they suggested was considered. Decision in the plan were based on those factors and the benefit to the recreating public. During the second public meeting in December, Mr. South told the audience that he would be presenting the land use plan to the board just as he presented it to them in the public meeting.

Mr. South said there are three unknowns within Heyburn State Park that may affect some of the land use planning in the future. The first is the Union Pacific Railroad which may be abandoned within a year or maybe 5 or 10. That could affect several use areas within the park. The second is the highway 5 realignment which may happen within 2 years, or it may not happen for several years, which could affect the phasing of some of the areas of the park, the location of the administration building and information areas. The third unknown at this time is the Ramsdale landing area. If that operation is closed down, they have said they would turn that over to the park. Mr. South displayed a conceptual plan of the park, with enlarged plans of some of the areas. Heyburn State Park is a large park of over 7800 acres.

At Hidden Bay there are currently 28 floathomes. There were, at one time, 33 floathomes. He is proposing that those 28 floathomes remain in the Hidden Bay, if they meet current Panhandle Health District standards, not the 33 original sites. He is also recommending that they be inspected annually by the park people, that they be maintained and painted earth tone colors that are approved by the department. There's quite a bit of conflict over whether these floathomes should remain at Hidden Bay. Some of the major voices are from the Panhandle Health District. The board has received two letters, one dated December 29 which stated that the Panhandle Health District would support any decisions made by the Idaho Parks and Recreation Board to phase out private uses of public properties such as the cabins and floathome leased lots. Another letter dated January 8 from the Panhandle Health District stated that they could not recommend that we phase out or include, that was beyond their jurisdiction, but they would require the Idaho Parks and

Recreation Department to take full responsibility for planning, construction, operation, and maintenance of the systems. If the board does decide to keep the floathomes, if they do decide to operate, design and maintain the sewer system, one of the ways of recouping some of the costs on that would be an assessment to each of the floathomes and an annual maintenance fee. There would be a capital outlay up front for the construction of a sewer system, but that cost could be recovered. That is an option. One of the reasons for keeping the floathomes in there is, at the first public meeting, the county commissioners wanted to keep all the cabins and floathomes in the park for the tax base. Some of the reasons for phasing out some of the cabins was that they were in conflict with public use areas. The public still uses the Hidden Lake area, they water ski and fish in the Hidden Lake. The recreating public still uses that.

The next area is the Conkling road. At the first public meeting there was a very strong consensus to keep the road open. Mr. South said he is proposing to do that, but treat it as a scenic route and not as a thoroughfare, putting an overlook near the top of the road to view the lake and the river. This would require weight restrictions on the road and some type of speed limitations, either by signing or by other means.

The Chatcolet area is one of the main use areas. Mr. South said he is proposing that the majority of the cabins remain within the Chatcolet area. There are currently two entrances into the residence area. He is proposing one be closed off and have one main entrance into the Chatcolet area. That entrance would go through the cabins to the day-use area which is currently there and into a revised entrance into the campground. There is an existing campground that is currently being used as a group camp area. He is proposing that it be upgraded to be used as a tent area with restroom facilities similar to those at Hawley's Landing. This ties into the Mullan Trail system. A new concession is proposed in the Chatcolet area. If the Union Pacific Railroad is abandoned in a few years, possible relocation of that concession would be appropriate. The reason for the concession in this area is to serve a lot of the boat traffic that is on the St. Joe River. It is very difficult for people on the St. Joe to go to some of the existing concessions. This is a very quick and easy location to get to a concession. The concession would have a restaurant facility along the shoreline, fueling facilities, a pump-out station which would be required by the Panhandle Health District, dock tie-ups and other facilities that you would find in a concession. He is also proposing some docks for day-use tie up to use the concession, and over night moorage for boats on the lake. There's a great demand for overnight moorage for boaters to tie-up somewhere on the lake. The existing boathouses in the Chatcolet Boathouse Association are recommended to remain there. There are six cabins in the Chatcolet area proposed to be phased out. They are located along the road which is between the day use area and the existing campground. There are two main reasons why the cabins should be phased out. One is to group the cabins together and the second reason is to eliminate any conflict between the private held cabins and the public recreating use of facilities. This is one of the areas where there is a conflict between the public recreating and private use.

In total there are 28 cabins that are proposed to be phased out of Heyburn State Park. There are currently 182 cabin sites including floathomes, so that is a reduction of about 15% total.

The current park manager residence is proposed to be turned into a trailhead center (small visitor center), the addition to the building will be removed, and there's a large parking area. The trail would tie most of the park together from Hawley's Landing to Chatcolet and to the Shoeffler Butte. The current trail system is basically a 1-1/2 mile loop at the base of Indian Cliffs and a 3-mile loop above it. This could continue on to Shoeffler Butte and over to the Mullan Trail. The existing maintenance area would remain where it is. After discussions with staff, the proposal is to have the new residence adjacent to the existing maintenance facilities for surveillance in order to decrease any problems of vandalism. This is an area that could be affected greatly by the Union Pacific Railroad abandonment. If that happens, the old youth camp site could be developed into another type of a campground or heavy use area. That could be tied into the Plummer Bay area which is a day use area, or Plummer Point which is to remain as is because of the limitations of the Union Pacific Railroad. There is quite a bit of use there. There should be some upgrading as far as toilet facilities and a few more picnic sites. If the railroad is abandoned, the possibility of putting a very nice beach area along that frontage at very little cost could be done easily. On the other side of Plummer Creek, an equestrian center is proposed. There is quite a demand for the horse associations to use the trail systems at Heyburn State Park. Currently they are using the site which is off highway 5. The proposed equestrian center would allow for unloading of horses, sealed vault toilets, etc. There are some flat areas in there far enough away from Plummer Creek for the equestrian facility. The horse trail system would be separate from the hiking trails system. Mr. South is also proposing an overnight area where they could camp out on the trail. This would require some source of water for equestrians and hikers.

On the downhill side of the Plummer Bay area, a nature center is proposed--not an enclosed type building, but a covered structure to interpret the nature of that area. There have been found to be over 100 varieties of songbirds in the Plummer Bay area. A proposed trail system would go out onto the marsh lands a little to get a closer inspection of the nature of that area. A parking area would be required and that would also tie into the trail system.

The next area of concern is the Hawley's Landing area. This is one of the "if" areas because of the relocation of highway 5. The big concern now is knowing where to go if you're not familiar with the area. An administration office/information center is highly needed, as close to the intersection of the main park road and highway 5 as practical. A couple of years ago, the Hawley's Landing campground was renovated into a 54-unit campground. This is the second area proposed for some cabin phase-outs. There are currently 13 cabins in the area and the department owns one of those. The cabins are accessed, half through the existing campground, the other half through

another road. Mr. South is proposing these areas be phased out and increase the amount of RV camping. It would increase about 15 to 20 spaces of RV camping. This is the area where there's another conflict between the private and public sector .

There's also one additional cabin site proposed for phase-out which is the Hansen site located half-way between Hawley's Landing and Rocky Point. Again, we want to group all the cabins into one or two major areas.

Rocky Point is another high-use area. The concessionaire operates the boathouses in the area, there are cabins, boat ramp, day-use, several main roads, motel, etc. A major change would be to close off part of the road that goes in through the day-use area through the cabin area. Mr. South is proposing that the road end at the day-use area in the cabin area, so there is a good separation of usage between the public recreation use and the private sector. This would require some work on the existing road. It is very narrow, provide a culdesac at one end so people enter and turn around and come back out. This would allow some entrance fee collection for use of the day-use area. He is proposing 9 cabins which are located on the south side of that road be phased out. Also the existing motel, which is in very poor shape, is proposed to be taken out. There is an existing CCC structure there that the park assistant manager lives in. He is proposing that structure and the CCC lodge remain, but that the concession at Rocky Point be phased out. The existing CCC lodge could be used for a visitor center/museum. There was some concern at the second public meeting that the people still want to see some type of concession at Rocky Point and he didn't see any big problem with a small portion of that building being used as a concession, but felt it should be operated in coordination with the proposed concession at Chatcolet. Most of this area would be used as a day use area. The current boathouses are in very poor condition and should be replaced. He is proposing that those be operated and maintained by the department. The park employee living in the CCC residence could have some surveillance over those structures. There's an existing boat ramp also to be used and maintained. One of the major problems in the area is just the parking, and some definition of parking would greatly increase the number of people who could utilize that area. Right now the parking is every which way. The rest of the cabins would remain in this area.

Cottonwood Picnic area is to remain as is. The only concern is the exit to the highway. Some detail and site work might have to be looked at. That's heavily used in the summer and winter.

The Benewah area is one of the last main use areas. Currently there is a 38-unit campground and a concession. Mr. South is proposing this concession be phased out and that the area be used totally for a group camp area. The park manager has stated it is very difficult to get people to come over and utilize the campground. There is a problem in the spring with mosquitoes. The existing campground would be utilized for 1/2 RV and the other 1/2 tent group camping area.. The area where the current concession is would be a dormitory type building where church groups or family reunions or other type of gatherings could get together, similar to the Harriman type facility.

At the Ramsdale Landing area, there is a possibility that Lafferty Transportation may turn over this facility to the department. He is proposing there be a small day-use facility there, sealed vault, picnic tables, nothing for high use. This whole area could be utilized as a trail system by group campers, both to Ramsdale Landing and Silvertip area. Soils in Silvertip are very poor, so he doesn't recommend any type of structures or septic systems. It floods occasionally in the spring. There is currently a grazing lease on this area. He is proposing it be used as a wildlife management habitat area in cooperation with some funds from Fish and Game or perhaps Ducks Unlimited. Certain times of year the trail system could be extended through there, but it would have to be shut off during certain times of the year. Some of the native grasses on the site get very tall and are a fire hazard. They could be controlled through mowing, grazing, etc.

Another point of discussion is the timber management of the site. Mr. South said he has been in contact with Department of Lands personnel from Coeur d'Alene who have done extensive work in Heyburn throughout the past years and are familiar with the area. It's a very old, root-rot, bug-infestation, fire problem in some of the area. He is proposing that logging not be done on a commercial type basis. As far as a timber management practice, cutting timber for hazardous trees, basically follow the timber management policy the board currently has in place and controlled burns to reduce fire hazards around the trails.

Mr. Thomas asked Mr. South to differentiate between timber management plan and commercial logging. Mr. South said that he proposed no commercial logging. A timber management plan is how to maintain the forest so there isn't the devastation like occurred in Yellowstone. The park takes an active role in working with the timber and especially in some of the high-use areas. The management plan will vary whether it's in an area with high disease and insect problems, but if that problem shows up in the backcountry, there will not be an active management role. The Idaho Department of Parks and Recreation will be aware of it, as the Department of Lands flies the park and photographs that every year, so there is close cooperation between Idaho Parks and Recreation and Department of Lands.

Mr. South said the board has received minutes of the public meeting held in December and is aware of the concerns of the lessees. Some of the questions are when and how these cabins are to be phased out. He has assured them it is a potential phase-out of up to 20 years. The reason for the 20 years is the lease term is 10 years (2 ten-year leases). Some areas may need to be phased out quicker. One of the big problem areas is the Rocky Point area. We need some work done in that area to get that beach cleaned and used again. So the board may want to look at a shorter phase-out period. Also the concern of the fair market value of the cabins we're proposing to phase out. One of the major concerns was the decline and use of Heyburn State Park, attributed by many to the poor water quality, especially in Chatcolet. There is a great amount of sediment and eutrophication of the lake because of Plummer and Benewah Creeks. The St. Joe river also causes problems. Right now the water is very low, and from the Cottonwood day use area to the St. Joe river banks, you can walk across there. You may be in water 6" to 1',

but the sedimentation is really rapid. There's a big concern with Plummer Creek and Benewah and the Soil Conservation Service is doing some studies. Last March 13 was the highest runoff for the year and in a 24-hour period, they estimated 600 tons of sediment came down into the lake, so there is a big problem with that. Studies back to the early 20's show that this whole area, all of these lakes and the southern half of Coeur d'Alene lake, are highly eutrophied. There was a concept from some people of presenting an alternate plan to you today. There was some concern with fire and emergency access into a couple of areas. At Rocky Point, there probably will be a need for an emergency access but that can be done by breakaway bollards or some other method. Also, concern for fire in the Chatcolet area which may need to have an emergency access, but don't see any problems with that. The main concerns were from the Panhandle Health District.

Mr. Thomas said in regard to the floathouses, the board got a pretty stiff letter from Panhandle Health District on the sewage disposal problems. What are the soil possibilities for a drainfield in that area?

Mr. South said the shoreline is very, very steep. Apparently there has been a search for a location for a drainfield on some of the higher elevations and there may be a possibility that some sites have been found. Some of the floathome owners are here today and they may be able to expound on that some more. They have been doing some research on that in the last couple of weeks.

Chairman Shewmaker asked Mr. Schnurr for comments.

Mr. Schnurr said he lives in Hidden Lake and is the only person that lives there 8 to 9 months a year. Last Monday, he and Mr. Mayer, as leaseholders; Fred Bear, park manager; and two members of the Panhandle Health District inspected sites at Hidden Lake. Prior to that, on December 20, there was a meeting in Moscow and out of the 28 floathome owners in Hidden Lake, 21 of them were represented. The first letter received from the Panhandle Health District said they would be happy if we went any one of three ways. The hardest and most comprehensive and the one the lessees wanted the most was a sewer system. The people, in approximately 20 minutes, voted unanimously to put in a sewer system. He said they believed they would have to do this themselves, that they would form an LID and the gentleman that put in the Hawley's Landing sewer system lives in Hidden Lake and he came up with some plans real quick that this could be possibly feasible. So as a result of this unanimous decision to go ahead, and at that time thinking that the lessees would do it completely on their own, Fred Bear contacted the Panhandle Health District. The Panhandle Health District came down to Hidden Lake a week ago Monday, went in with them and there was a place at the north end of Hidden Bay that was quite level and he had thought that could be a site. On the way in, the Panhandle Health District people found another site that is up from the water on a plateau and they thought it was an ideal site. Fred Bear questioned him four times and asked, is there adequate size for this? They said yes. Everything was a go as far as they were concerned. However, it is subject to the soil tests.

Mr. Schnurr said when they got up on site, Fred informed us that there had been some other meetings and some other thoughts possibly between the Panhandle Health District and the parks department and asked if we (the floathouse lessees) would be comfortable if the parks department was the entity that went in and put the sewer system in and the lessees pay for it. And as a group, all of us indicated that that would be welcomed. We would just as soon do it that way. We were prepared to do it ourselves. We thought we could form an LID but we were informed that because the state owns the land, we're not land owners, that it would be a lot better if the state did that and we would take full responsibility to see that it was paid for, administered, constructed, by the state. The state would make sure it was done correctly, but the payment for the maintenance and the whole thing would be borne by the Hidden Lake people.

Mr. Thomas asked Mr. Schnurr if he has any approximate costs?

Mr. Schnurr said it is very hard to do that, but there were some thoughts thrown out by Ray Eisinger, who was the contractor for the work that was done at Hawley's Landing, and Eisinger thought it would cost the lessees between two and four thousand dollars per floathome over the period of time it would take to pay off.

Mr. Thomas asked Mr. Schnurr if the lessees propose the department put up upfront money and the lessees pay the department back? Mr. Schnurr responded they would be comfortable with that or they would be most comfortable with Fred Bear's suggestion. Mr. Thomas asked Mr. Schnurr, if the legislature didn't give the department any money, then what?

Mr. Schnurr responded they were prepared originally to use whatever vehicle they could use. He said he's not familiar with this, he's never built a sewer system before. Mr. Mayer has done some of that in Alaska, but if there is a way the leaseholder's could form a group, they would be prepared to do that. Twenty-one out of 28 people that were represented there (at the December 20 meeting) said go with it. They want to do what is correct. When you were talking about Chatcolet and all the problems and the grandfather effect, Coeur d'Alene lake, to his knowledge, is all grandfathered. All of the key areas, including Rockford Bay, do not have a sewer district. The Panhandle Health District did not push that, and 40% of the people there (Rockford Bay) were pressing for one. (The Hidden Lake lessees) see this thing as an opportunity to have the best ecological spot on all of Coeur d'Alene lake when they get through. This is what they want, and they're willing to do it, and they're willing to pay for it.

Chairman Shewmaker asked for further comments:

Mr. Mossman said the two to four thousand dollar figure per cabin (floathouse) included the obligation to pump from the cabin to the main line. It's similar to living in the city, you have to provide your own facility in your house and hook up to the line, and that would not be part of the general public facility. He didn't think the cost is as high as they

were talking, because they have figured they would have to do that, just like you do if you put up a house in town. So, they're more than willing to do anything they can do within the law about putting in public facilities, too. Everybody who works for this department would say we (floathouse lessees) are good tenants and haven't caused a lot of trouble. He wants to upgrade this, but it isn't something he can do alone. Mr. Mossman said he's only been there three years, but it's a wonderful place and wants it to continue to be that way. He wants to improve it, can't do it alone, but the 28 of them can. Mr. Mossman said they're here to help the board with it.

Mr. Thomas, questioning Mr. Mossman, said, you're speaking to the property line, or so-called public sewer line, is that what you're addressing? Now that doesn't get rid of it (the sewage). Somebody has to get rid of that.

Mr. Mossman said no, he thought there would be a line that would connect to a drainfield wherever it is going to be located. As Mr. Schnurr indicated, that would be up on a bench level in back of the cabins about half-way along that north/south line. That's where the drainfield is going to be, but there has to be a line that goes to that and the drainfield and that line, as he envisions it, would be the public facility, but his connection to that line would be his private responsibility any way you slice it. They would have to do that wherever they were and they will, and they will pay for the other one too, but apparently the lessees can't form an LID because they don't own anything. That would have been the easy way to fund that.

Mr. Thomas said if the soils analysis says there's no disposal area down on the flatland, what little flatland there is down on the lake, that's a possibility--you're aware of that--then the next step is to go up in the highlands, then we're getting into some more money, so then can the department justify, and we don't know what the costs would be, going to the legislature and asking for public money to make a drainfield up here for 28 people?

Mr. Mossman responded that as Mr. Schnurr said, when the Panhandle Health District people were there they investigated the area that is flat, right behind where Mossman lives, and they (PHD) prefer an area that is farther south and up on a ridge. That place has already been picked and it is within the dollar costs discussed. The other thing about the 28 people needs to be responded to. Mr. Mossman said he has five children, 12 grandchildren, and over the course of the summer have in the neighborhood of 50 people in and out of there. They're part of the public. That lake is used extensively by the public. He added that in anticipation of getting a chance to talk with the board, he contacted a friend of his, Bill Stellmon, who served on this park board at one time, and asked him what's this park for, and he said several things that might be interesting to talk about. Stellmon said state parks are for the purpose of providing camping, fishing, water access facilities, boating and boating recreation. Mr. Mossman said at Hidden Bay, he didn't see in the reasonable future and apparently Mr. South doesn't either, providing anything in the way of public camping. It provides fishing; those who have cabins in there fish but not nearly as much as people

who don't have cabins in there. There's never any problem about that happening. He said they even clean up after the fishermen and don't get into any arguments over it. His grandkids swim there. He said he is ready to pay to help it be better, and believes that's important. He said he couldn't see any water access facilities like a boat landing in there any time in the foreseeable future, maybe never, because of the topography. Boating and boating recreation go on in there. Some water skiing goes on in Hidden Bay, but good water skiers will go somewhere else because it's too small. I think it's a misconception to think it's only 28 people. There's a lot of public use of those Hidden Bay properties. If the board were to make the lessees leave there, the one thing that is assured is that you would have clean water and that's what the lessees want as much as the board does and they will work to get it and if they can accomplish the project of cleaning up the water by some system, then the board really hasn't accomplished anything by making the lessees leave. Mr. Mossman added that his lease payment and taxes to Benewah County run around a thousand dollars a year. That money is gone if the board makes the lessees leave. Out of the \$700 odd dollars that the lessees pay each year for leasing, he thought it probably costs the department to supervise the lessees no more than \$100. He said they are good tenants, want to be better tenants, and have a better place.

Mr. Mossman said the constitution talks about equal protection of the law and that's really what the lessees want. The lessees are not fighting with the board. They simply want to join with the board in making what they think is a fine improvement. The lessees want to pay for it. That would be something unique in government.

Chairman Shewmaker asked Mr. Mayer for his comments.

Mr. Mayer said he's also a leaseholder at Hidden Lake. He said there have been figures mentioned from \$2-4,000 for the 28 lessees up to the 177,000 dollars and they could even live with that. They have computed the interest on that to figure out what it would cost over a period of 15 years. He said he didn't think the problem is how they're going to do it and the mechanics of it. There's always a possibility that the percolation tests won't work out, and suggested that perhaps drainfields could be extended. There's 100' X 100' area up there which greatly exceeds the area at Hawley's Landing which only requires 1400' of drainfield rip-rap. Looking at the limited use of the floathouses in Hidden Lake, there is no way they would generate 189 uses a day like they do at Hawley's Landing. So, even taking the lowest and highest, that's not a problem. Mr. Mayer added the three representatives at this meeting have been appointed by the 21 of 28 leaseholders who were at the December 20 meeting in Moscow with the Panhandle Health District, as the steering committee. They are here today with two wants. One is they want to tell the board that they like it there, love it there. Mr. Schnurr's family has been there since the 1880's, so the establishment of floathomes at Hidden Lake goes back a long, long ways. Sometimes change for changes sake--he felt the floathome owners have been getting mixed signals. He said he first became aware of the general development plan in October. He attended the meeting in Plummer and the meeting in Moscow, and sometimes isn't sure if

he's the pigeon or the statue. The lessees got a letter about the meeting in Plummer to talk about the plan. Mr. Mayer said he went to the meeting and heard Mr. South give his presentation and it looked like a pretty good deal, and then he went to this meeting just specifically for the floathome leaseholders on December 20 in Moscow, and at that meeting they addressed Panhandle Health District concerns. Of the three PHD restrictions, the least restrictive the lessees threw out, the second least restrictive the lessees threw out, and went to the top of the line which was a full facility, and decided that we (floathouse owners) would pay for that in some manner. The mechanics of that are not important. The floathouse owners want the board to know that they, as a group, are going to do whatever has to be done and become a model on the lake. He added that the whole of Lake Coeur d'Alene is like--it's one of the 5 most beautiful lakes in the world. It doesn't stop at the end of Coeur d'Alene, it goes right to Hidden Lake, Chatcolet, and right through that area; it's all basically one right up into the St. Joe river. He said the floathome owners are willing and ready to go through whatever hoops they have to jump through in order to comply, and respectfully request that the floathomes be allowed to stay there and to work this situation out. They're coming to the board quite honestly and saying that they do wish to stay there and think they're an asset to the park.

ALBION NORMAL SCHOOL FEASIBILITY STUDY

Chairman Shewmaker said Representative Newcomb is in the audience. He has to go back to the legislative session, but would like to talk about the Albion State Normal School feasibility study at this time.

Representative Newcomb complimented the excellent work and effort that Jim Kempton has put into this project. Representative Newcomb asked for the board's support in designating this as a proposal for a state park because of the historical value. There are only two United States cabinet members that have ever come from Idaho--one was Cecil Andrus and one was Terrell Bell, and Terrell Bell was a graduate of Albion Normal School. Representative Newcomb said during his education in Cassia County schools most of his teachers were graduates of Albion Normal School. The principles that were there and at Lewiston and the values that were created towards education are still in our system in the fact that less money is spent on the education system, and our children still perform better than average for all over the United States. He said it's important that to preserve the historical buildings that are there. There is an asbestos problem, but that can be contained and preserve that for about \$35,000 and there's going to be some pressure in JFAC in the coming weeks to get that done. Representative Newcomb asked for the board's support to maintain the buildings and maintain the historical values. The potential with the Hagerman Fossil Beds, the City of Rocks, Snake River Plain, Craters of the Moon, that field institute at Albion is something in the future that should be considered. Senator Darrington would have been here today but he had a hearing on underground gasoline storage tanks so there are several of us that are in strong support of this. He asked the board to listen to Jim Kempton and respect the work he has done and look at the future down the road.

Mrs. Robertson said to Representative Newcomb that he has done a good job of focusing on the factor of money for this. The board certainly sees it as our responsibility to preserve this site. It has appeared in the top list of centennial sites that were considered. The board will give it careful consideration.

At this point Representative Newcomb left the meeting to return to the Session.

HEYBURN GENERAL DEVELOPMENT PLAN (continued)

Chairman Shewmaker asked for any more comments on the Heyburn General Development Plan.

Mr. Neal said, although it hasn't as yet been mentioned in this meeting that the floathomes in the Hidden Bay are of great concern, he knows it to be a great concern to the other members of the board. In a board meeting a couple of months ago the preliminary vote was 3 to 2 on the general development plan, with the dissenting voters opposed to the plan in regard to floathomes on the lake. Mr. Neal said he is in favor of allowing the floathomes to remain in Hidden Bay and to follow Mr. South's recommendation for the Hidden Lake area. But the point of Mr. South's plan is that there are currently 182 cabins or sites in Heyburn State Park area, total floathomes and cabins. The proposal is to remove 28 cabin sites, leaving 136 cabins in Heyburn State Park plus the 28 floathomes. A number of these cabins cause just as many problems as the floathomes, but there isn't any movement to get rid of the cabins and apparently the 136 cabins are going to be allowed to stay in perpetuity. None of the 136 cabin owners are coming in here saying they'll spend literally thousands of dollars to put in a sewer system or clean up their residences and abide by the rules and regulations of the park to the degree that these people are. So, if the board members, as you discussed yesterday, might want to remove the floathomes from Hidden Bay, he said he felt it's a mistake and felt the board should give the floathome owners some opportunity to prove what they have said here, that they are willing to put in a sewer system, and felt the board ought to work with them on it and see what happens. For heavens sakes, don't just say, no, we can't have the floathomes there, or give them time to be out of there as has also been discussed. Mr. Neal said he thought the board ought to work with the floathome owners.

Mrs. Robertson said she was one of the two votes last time that reflected that she would like to see termination of those floathomes, and maybe this is the time to state why. She said, "I don't think my mind has changed on that. I think the determination by the 9th Circuit Court in charging us with managing that park in the best interests of the public is not reflected necessarily in continuing to support those floathomes in that position. I think we also, as a board, have an obligation to set an example for use of public waters as well as public lands. I realize that historically, even in national parks, there was private ownership of cabins and there has been a reason why those were phased-out over history. I think this is our opportunity, a time of decision-making that has been put off for years

because of court entanglements, but I think we have come to the point where we have to decide where the public is best served and I believe we are setting an example for the future. Although these decisions may be tough to make, I don't believe in the future that our land and water use in this state as in the nation will allow such things as private cabins in parks, national or state, or the establishment of anything like a floathome, and I think to some extent it is our responsibility to bite the bullet and begin making those decisions in the state of Idaho to come into conformity with what I think will be land use and water use plans of the future."

Mr. Neal asked Mrs. Robertson that if you were to say that you want to move the floathomes out of Hidden Bay, what sort of procedure would you want to follow? Would you want to set a 20-year time when they have to be out of there, or would you want to pay them for the expenses they have put in? What sort of procedure do you have in place between now and the time they leave to abide by the health department rules for proper sanitation facilities?

Mrs. Robertson said she believed that possibly the same rules that will apply to the cabins that are being phased out could apply to the floathomes for that interim period. Mr. Neal asked if that is to buy them out? Mrs. Robertson said at the end of a maximum allowable time which she didn't believe had been set.

Mr. Neal said he disagrees and thinks they ought to be allowed to stay.

Mr. Schnurr remarked that it really hurts him when people suggest that the people living in the floathomes have less regard for the quality of the water than the boater that comes down the lake or any other person. He was a realtor in Spokane and sold a lot of property around the lake and is quite familiar with the rest of the lake, which is all connected by water. On Coeur d'Alene lake right now, 80% of the homes wouldn't fit, they're draining sewage right in the lake. The floathomes on Hidden Lake are not. He said he is talking about raw sewage. No one in Hidden Lake is doing that sort of thing. The floathome owners are saying they're going to do something that no one else on the lake is doing. It isn't that this idea of a floathome is a unique thing. They are at Lake Union, they're all sewered, up to \$450,000 homes. Why are the Hidden Lake floathomes any different than the others, other than we're probably a darned sight more cooperative. The people in Hidden Lake were for the sewer system for the whole park and supported the park 20 years ago. Mr. Schnurr added he lives in a very nice home, and would match his home against any home on the lake and pretty much for the square footage, any home in town. He wants to pay the price to keep that place. The Panhandle Health District letter, when they said the floathomes are a detriment with a possibility that something could get in the water, and then state that somebody might wash their dog or somebody might wash their boat. Obviously, someone with a house and a dock out there, with their boat and with a dog is not going to be any different than somebody in a floathome. Floathome owners are right out on the water and want to take better care of it than frankly say the 80 homes at Rockford Bay who are, for 13 years, dropping raw sewage into the lake and that's a fact by Ken Lustig of Panhandle Health District. They had a survey 13 years ago and nothing has

been done by Panhandle Health District or by anybody else and the Hidden Lake floathomes want to go in and do it totally at our expense. That's discrimination at its worst. Mr. Schnurr said he spent 21 years affiliated with the service. He was an officer in the Navy, had 3 years of active duty during Korea and was on active duty in the reserves during Vietnam. My government used to say, hey, do something for your country and for your home. And during all of that time there was not one damned thing I ever did that was worth putting my life on the line for, and I put my life on the line several times that were unique. I'm a swimmer and I swam in some places that nobody should have to swim. This is my home, and this is the only thing that has happened, looking back at 57 years old right now, this is the only thing that I'm willing to put my life on the line for. All that stuff I did before didn't amount to anything. This is the single biggest thing in my life right now.

Mr. Mossman asked to speak directly to Mrs. Robertson. Everyone can have honest differences of opinion and I appreciate what you're saying and I'm sure you realize the argument you made applies just as well to every cabin as it does to floathomes and I guess I don't know quite how you justify biting the bullet with respect to just part of the whole thing. Now is the time if you're going to bite the bullet, bite it all and kick us all out. There is one thing about being a floathome owner that is different. The phase-out rules won't help a floathome owner. They don't fit us. Because if we're going to stay there, we have to have something improved by this summer. We can't continue to live the way we've lived in those floathomes, even though we wanted to do better. I have bought an electric toilet for my floathome, but I have gray water. I can push that gray water 100 feet, can pipe it up that far and maybe there might be two or three out of all of us in there that could somehow survive the Panhandle Health District rules without undergoing a major expense. We want to undergo the major expense but of course we want to be able to keep our lease and renew it if we're good tenants and stay. I don't think we can stay this year without most of us incurring quite an expense, so phasing out over 20 years, the rules that apply to a cabin owner on land won't fit floathouse owners.

Mr. Later said he was the second vote that opposed keeping the floathomes in Hidden Lake essentially for the same reasons that Mrs. Robertson outlined. He added that he wanted to acknowledge the things that Mr. Neal said. No one on this board or staff has taken any of this lightly. Lots of hours have been spent for as long as he has been on this board and for years preceding that, in concerns over Heyburn State Park. Mr. Later said he is pleased that finally the board is biting the bullet and moving forward with some things, recognizing there is probably no way everybody is going to concur with the points and the plan as it finally evolves. Mr. Later said it is his personal feeling that a phase-out should be as long a term as necessary to make as painless as possible a change in what has become a traditional lifestyle, but for the reasons Mrs. Robertson outlined, felt in the long-term plan and we're envisioning a park there that will go far beyond any of our tenure on this board and perhaps our lifetimes, in the long-term he just hasn't been convinced of the compatibility of the floathome concept on that shoreline.

Chairman Shewmaker said he didn't vote last meeting. He was concerned that the chairman didn't have the right to vote. He said that had he voted, he would have voted with Mrs. Robertson and Mr. Later. He added that he is a water skier and water surface area is going to be a critical value for the public in the future and in the long term felt it is important to try to make that available to the public. But at the same time, he wouldn't want to force hardships on the floathome owners, and staff has commented that you have been very willing to work with them and we appreciate that. We realize that.

Mrs. Robertson said don't misunderstand that I don't feel the passion that you have shown in your testimony today, and don't feel that to some great extent I don't feel the same thing, but I think that the public by investing me in this position has put me in a position where I have to take other considerations, aside from special interest groups, into consideration before making a decision about public park land. If we were talking about a private area, my opinion may be different. I certainly agree with your criticism of raw sewage being dumped in that lake and it pains me greatly, and I'm working in other areas to see that that ends.

Mrs. Robertson moved that the board accept the general development plan with the exception of the 28 floathomes and that they, too, be phased out in a program that is appropriate or similar to the one we have for the cabins. Mr. Later seconded the motion.

Chairman Shewmaker called for discussion on the motion.

Mr. Neal said I urge members of the board to vote against this motion because I think it is very unfair. We're not asking anything out of the 136 other cabin sites in Heyburn State Park and the floathome owners are willing to put in a sewer system and spend a lot of their own money and I can't see how that's fair to the floathome owners and would urge that you vote this motion down.

Mr. Thomson said he would go along with Mr. Neal. Those floathomes owners want to clean it up themselves anyway, so I can't change my vote.

Mr. Schnurr said when you talk about the public use, this is not incompatible with the public use. There is a drawbridge in the center of the lake area of the park and at any time you can put somebody up there and count the use by the public of that lake and there will be more public use. We are part of the public. There's more use of Hidden Lake by the public than any other segment in that bay. There's always more use. That is the public. We're not impeding the public's use.

Chairman Shewmaker asked for any further discussion. Hearing none, he called for a vote on the motion.

The roll call vote was Mr. Thomas, aye; Mr. Thomson, nay; Mr. Neal, nay; Mr. Later, aye; Mrs. Robertson, aye; Chairman Shewmaker, aye. The vote being 4 to 2 in favor, motion carried.

Mr. Mossman said the motion, if I may say so, was vague. I think Mrs. Robertson recognized in her motion that I made a point when I said the phase-out rules weren't fair to us, so her motion was in words to the effect, let's take out the 28 cabins and do something appropriate. I don't have any idea what that means.

Mrs. Robertson said it was pointed out by one gentleman that they would not be able to comply due to one of the letters from Panhandle Health District. I am not sure that is correct in their ability, long term if it were 20 years or 30 years, to use chemical toilets or combustion type mechanisms. I'm not sure they would not be able to comply in which case I would go ahead and suggest that if it's possible that we just apply the same types of long-term rules that we're applying to the cabins to the floathome owners but somebody is going to have to clarify to us whether or not that will indeed comply with Panhandle Health District regulations or not. It is not my intent, again, to cause them to have to move out tomorrow.

Mr. Later said that was his understanding in seconding the motion.

Mr. Neal said his understanding of what the motion was and the way it was passed is that the parks department will expect the floathome owners to abide by the state health regulations in regards to sewage, but someday down the line within the next 20 years the parks department will buy the floathomes at the appraised value. Is that correct?

Director Ferrell said I think you have to understand that floathomes are movable, so it is a slightly different situation than with a fixed facility. Mr. Schnurr asked where would you move them to?

Mr. Neal said the motion was to treat the floathomes similar to the other cabins that are being phased out and that means buy them. Mr. Thomson asked Mrs. Robertson if that was the way the motion was? Mrs. Robertson said yes.

Chairman Shewmaker: Any more discussion on that?

Mr. Schnurr asked if he could clear up a point about the Panhandle Health District regulations as it now applies? Chairman Shewmaker said we really need to move on. Is there any more clarification we need on that motion.

Mr. Neal said, may I ask this question then, Mr. Chairman. Does that mean the parks department will buy out the floathomes as they are proposing to buy out the 28 cabins that have to be removed to comply with Mr. South's general development plan for Heyburn State Park?

Chairman Shewmaker said he views that as somewhat of a legal question that we may have to do some more work on.

Director Ferrell said she told the cabin owners in a letter that our intent would be based on available funding. As they wish to dispose of their homes, and there are 17 to 20 homes sold every year in Heyburn, if we are able to acquire the funding, that we would attempt to buy or to negotiate some other arrangement to take the home off of their hands. This is the 28 land-based

owners. We have done that in one case and entered into a contract with them using savings in the agency. We can certainly go to the legislature and ask for funding to buy out more of these homes. Whether or not that is given to us or not is not within my purview to know. As a general line item budget item, we do not have money to go in and buy out large numbers of cabins or floathomes. So, there are a lot of questions how this is ultimately going to be resolved.

Mr. Neal said I agree that there are a lot of questions that have to be worked out. It almost sounds like an investment of several thousand dollars by a floathome owner suddenly became worthless. Are we going to allow them to sign a new lease for the next 10 years? I'm sure they would like to know just as soon as possible whether or not they're going to be able to sell the floathomes to the state parks department or should they just pull it out into the middle of the lake and set it on fire or start carting things away.

Director Ferrell said the board and staff has always talked about a 20-year time frame to bring about the changes that the board has approved. That involves two 10-year leases at a minimum.

Mr. Neal asked Mrs. Robertson if that is her understanding of the case. Board members who voted for this motion, are you willing to allow the floathome owners to continue to sign leases for at least 2 more ten-year periods?

Mrs. Robertson said to some extent, I don't believe that staff has been given an opportunity to investigate this alternative, not that it wasn't in my mind the last board meeting. I think they are unprepared to give us the kind of support to answer your questions right now without some more research. I regret that, but it isn't something I was able to direct them to do in November. Perhaps our role now is to direct them to do those kinds of things rather than sitting here trying to guess what would be the most appropriate and perhaps make some serious errors.

Mr. Neal said staff certainly should be given the opportunity to find that information out as soon as possible. The direction is then for the staff to come up with the answers to that? Chairman Shewmaker said that seems to be a good plan. Director Ferrell said we certainly will look to the legal recourses and identify the potential alternatives.

AMENDMENTS TO GROUP USE FEES

Chairman Shewmaker called for Mrs. Just to present the proposal. Mrs. Just presented the following written report:

Attached is a report relative to the proposed amendments to the group use fee rules. This report contains comments and recommendations resulting from the public comment process. Following the report is a copy of the rules in legislative format as approved at the November 2, 1989 board meeting, together with a copy of the rules incorporating the recommended changes.

The recommendation is that the board approve the rules as amended incorporating changes recommended in the report so staff can promulgate the group use fee rules as final rules.

The report and rules in legislative bill format are attached hereto and hereby made a part of this record.

Mrs. Just commented that the board gave preliminary approval of the group use fees during the November board meeting with the exception of the language regarding the rental of the cabin that the department purchased at Hawley's Landing in Heyburn State Park. That was brought up during the November board meeting and staff didn't have any language prepared for that specific item. The board directed staff to develop rules in regards to that cabin and to promulgate them along with the group use fee rules. Staff has done that and rules in regard to cabin rentals at Heyburn State Park were promulgated through the Administrative Procedures Act along with the group use fees. Staff did not receive a single comment from anyone in the public regarding the fees. The only comments received are outlined in the hearing officer's report. They were mostly editorial and were made by Mike Nugent of the Legislative Council staff. He indicated, with regard to the cleaning deposit for the group use facility at Squaw Bay at Priest Lake, that a cap needed to be placed on that charge, so staff placed a cap of \$50 on the cleaning fee. His other comment with regard to the rental of the cabin at Heyburn State Park--staff had provided that there would be a discount for weekday use, but didn't indicate a discount from what. To correct that, the "discount" will be off of the "standard rate." In trying to set the rental rate, staff wanted to make sure not to undercut or charge so much that no one wanted to rent it, while at the same time realizing there are certain expenses that have to be recovered. So staff looked at expenses and figured that it was a reasonable range if you take the price that was paid for that cabin and amortize it over a period of time, it gives an area that didn't seem out of line. The rules don't give a rental rate certain, but it gives a methodology for setting the rental rate. There may be more cabins than just this one to set rental rates on, so a definite rate could not be set. It will depend on the particular cabin purchased. There were no substantive changes in the group use facilities fees that were presented to the board at the November meeting, and the proposal for cabins at Heyburn State Park provides a methodology for establishing rental rates.

Chairman Shewmaker asked if board members are ready for a motion?

Mr. Thomas moved the board adopt the rules as recommended by staff. Mr. Thomson seconded the motion.

Chairman Shewmaker called for any discussion on the motion. Hearing none, he called for a vote on the motion.

All votes cast on the motion were in favor. Opposed, none. Motion carried.

NAME THE PARK CONTEST

Mr. Just presented the following written report:

By the Board's direction, staff conducted a "name the park" contest during December. The contest was open to all Idahoans. The rules stated that the name had to be evocative of the park; that the names Custer, Bonanza, and Centennial would not be used; and that if named after a person that person must have had a significant connection with the area. The parks board will make the final decision on a name, and is not limited to choosing a name from the contest. If a name from the contest is chosen, the winner will receive a special Idaho-shaped gift box filled with seven silver Centennial medallions.

The department received 201 suggested names in the contest. Staff reviewed the names, narrowing the selection to the top ten, then further narrowed it to the top three.

The top ten park names suggested were:

Gold Country	Old Prospector
Gold Strike	Gold Rush
Gold Fever	Motherlode
Glory Hole	Golden Bonanza
Ghosts of Gold	Land of the Yankee Fork

The three names recommended by staff are:

Old Prospector
Ghosts of Gold
Land of the Yankee Fork

The recommendation from staff is that the board select a name for the new park from among the three names recommended by staff.

Mr. Just added that the department received well over 200 suggested names and are still receiving some past the deadline. Several were suggested many times; probably the most popular one was Yankee Fork State Park. Another popular entry was Tough McGowen State Park. Tough McGowen was born in Custer, made his living mining in the area, worked the Yankee Fork dredge and he and his wife Edna started the museum at Custer and collected many of the artifacts shown there. He was a popular personality, a strong personality in the area, and of the several names submitted honoring a person, his was certainly the best choice. Other names included Borah, Shoup, and John Jackson (an early Indian scout). Several members of the staff got together to examine the over 200 names to try to narrow the list down. They were Yvonne Ferrell, John Crowe, John Barnes, Larry Stevens, and Rick Just. Each

selected 20 names. That narrowed it down to about 45 possibilities. The list was narrowed further by considering only the names that received two or more votes which cut the list down to about 15. By consensus, the group chose ten and from those ten, again by consensus, chose three. Of course, the parks board will make the final decision on a name, and the board is not limited to choosing a name from the contest, and is certainly not limited to the three or the ten that staff is recommending.

If a name from the contest is chosen, the winning entry will receive a collection of Idaho Centennial coins, all seven of them, mounted in a hinged box in the shape of the state of Idaho which was donated by the Centennial Commission. The coins were donated by Sunshine Silver. The inside of the box will have a small plaque recognizing what the award is for.

Mr. Later asked why certain names were chosen? Mr. Just said the group was looking for an evocative name and wanted something that said something about the area, and they just liked the names that were selected.

Mr. Thomas said he likes the romance of the words, "Land of the Yankee Fork."

Mr. Thomas moved that the board adopt the name, "Land of the Yankee Fork" for Idaho's centennial state park.

Mr. Thomson said he likes the name, "The Old Prospector."

Chairman Shewmaker said there's a motion on the floor to name it Land of the Yankee Fork. Is there a second?

Mrs. Robertson seconded the motion.

Chairman Shewmaker called for discussion on the motion.

Mr. Thomson said he likes "Old Prospector." Mr. Neal said he likes "Old Prospector." Mr. Later said one of the things he likes about Land of the Yankee Fork is, there is more there than just an old ghost town, a lot of things to appeal to a lot of people, and Land of the Yankee Fork says that. The one drawback to that name is it's sort of long and a tongue twister.

Mr. Just said that the name Land of the Yankee Fork has been used as a name for a book about the area, which is not attended as a plus or minus in selecting the name of the park.

Chairman Shewmaker called for further discussion on the motion. Hearing none, he called for a vote on the motion.

Votes cast in favor of the motion were Mrs. Robertson, Mr. Later, Mr. Thomas, Mr. Shewmaker. Opposed, Mr. Neal and Mr. Thomson. Motion carried.

ALBION CAMPUS STUDY

Mr. Mews presented the following written report:

At the Idaho Falls park board meeting last summer, the board directed staff to proceed with a study to determine the feasibility of the Albion Normal School campus as a state park and field institute. This direction was the result of a proposal by the alumni association for the department to assume management of the existing campus and to program it for use as a field institute. It suggested the restoration and remodeling of various buildings to accommodate meetings and overnight stays normally required for operational field institutes.

As reported at the last meeting, the study was underway with the bureau coordinating the various elements and proceeding toward making a final summary report. The various elements included an Idaho State University study of the feasibility of a field institute, an evaluation of the historic significance of the campus by the Idaho Historical Society, a report on the cultural values of the area by the Idaho Commission on the Arts, an estimation of stabilization and rehabilitation costs by the architectural firm of Zabala, Giltzow, Albanese, an estimate of costs for asbestos abatement, and staffs evaluation of its possibility as a group camp facility.

The results of these sub-studies have now been received and we have summarized them into a final report. The report identifies three options for consideration.

- No State Park Involvement
- State Historical Park.
- State Historical Park with Group Facilities.

The first option is self-explanatory. Each of the other two options includes a very preliminary park concept and preliminary estimate of costs.

Staff's recommendation is that the board review the feasibility report and select one of the three options.

Mr. Mews introduced Mayor Don Danner, Albion; Linda Morton-Keithley, representing the State Historical Society, and Jim Kempton representing the Albion Normal School Alumni Association. Mr. Mews commented that Mr. Kempton has spent a lot of time working on this project and has come up with a lot of good ideas. Mr. Kempton attended the board meeting in Idaho Falls last summer and asked the board to take a look at Albion as a possible state park and a field institute.

Mr. Mews said the document that was prepared for the board details three options and includes five appendices. The first option is defined as being no further involvement. The second option is to develop the site much like the Old Mission State Park near Cataldo is operated today as a historic visitor site, stabilizing and preserving it for future generations. The third option, in addition to the historical aspects, would be to remodel one of the dormitories into a group camp facility that would be open to all kinds of groups, by reservation, that might come including the field institute. Staff did not make any recommendations to the board on the preferred option.

Staff's conclusion is that it is significant to the whole state and it could be operated as a state historical park, but it will be very costly. Staff feels that if it is taken on as a state park, it would be mandatory that all the costs to ready it for public use and funding for a person on site to operate it needs to be identified. The department needs to take charge of it if it's to be a state park and the money has to be available in order to assume that responsibility.

Chairman Shewmaker asked Mayor Danner to address the board.

Mayor Danner remarked that he is a newly-elected mayor, having been sworn in over just one week ago. He said from a historical perspective, there are some of us that have family that have been in that little valley since the 1870's and 1880's and have followed the Albion State Normal School from its inception right up to the present time, and some that attended there from kindergarten days right on through college, so it has special historical and educational significance, and it had a great economic impact on the community. It was a traumatic event to the immediate community of Albion and the surrounding area when the decision was made to close that particular institution. He said he recognizes the significance and importance of good research and good studies and analysis efforts and a plan that is going to provide direction and guidance for the project. He and the city council in Albion look forward to having an opportunity to participate in that sort of an effort that will allow them to promote and encourage and support to the maximum extent possible, this sort of a preservation and beneficial use of this particular site. They are concerned about what the impact will be in the transition from a now-city-owned site to some other ownership or development. What is going to be required in that transition or development? How is it going to impact, not only on a statewide basis, but specifically in the community? Albion is a beautiful and wonderful place to live but there is an older segment of the community, retirement age people on very limited fixed incomes. By having an opportunity to work in this area and discuss and negotiate with people on how this economic development might take place as a result of maybe bringing about a state park to this area along with all the ramifications of how that is going to make an impact on them as a community. Mayor Danner said they hope that will be positive, not only in preserving the the institution but beneficial to the whole community and the surrounding area. Albion is prepared to do whatever it can in support of that, although realistically it's not a financially flush little community, but whatever else they can do, they are ready to help.

Mr. Kempton showed pictures of the old buildings and distributed an outline of his presentation to the board. Mr. Kempton said the City of Albion has a request to the Governor outlining the asbestos problem. One of the things that he requests as a minimum is that \$36,000 be identified to enclose the asbestos. They would like \$36,000 identified by the legislature for the asbestos problem and \$36,000 identified through Parks and Recreation and the Historical Society as the corresponding amount required for architectural protection, basically mothballing. Mr. Kempton pointed out a letter from Governor Andrus to the Albion Campus Centennial Commission, of which Mr. Kempton is the coordinator, saying that he hoped that the groups who were endorsing the program would continue to endorse this and that we could obtain funding from the legislature. Mr. Kempton said he didn't take that as a commitment on the part of the Governor, but nevertheless it is something that is positive instead of a negative position from that office.

Mr. Kempton's report is attached hereto and hereby made a part of this record. Mr. Kempton asked for an expression of intent from the board, and then the funding questions can be addressed. First of all, the option of "no state park involvement" should be discounted on the basis of the Albion Campus' demonstrated historic merit of statewide significance and it meets or exceeds the resource qualifications as outlined in the publication "State Park Classification System for the Recreation Resources in the State of Idaho." That's basically his sole reason for saying that the first option should be rejected. There is also the possibility that the site could become a national historic landmark. That requires work by the Idaho Historical Society. Of significance is the graduation of Terrell Bell and territorial concern for education in Idaho through the 100,000 acres that were granted in the Idaho 1890 admissions act. But if it's going to be a national historic landmark, there has to be a use for it. If it becomes a state park, that certainly doesn't preclude it from being a national historic landmark. Mr. Kempton said his recommendation is the option of the state historical park with group facilities as the stated goal which would require preparation of a general development plan for the Albion Campus site. The Albion Campus is too complicated to presume immediate state involvement in ownership, renovation, or management and the brochure he prepared has 1990 to 1995 on it. There are a number of reasons for this. First, you can't develop a park this fast. If we could get to the point where there was actually legislative funding by 1993, it would be great. In the meantime, develop the general development plan and get into the legislative funding cycle. It would be historically correct to match things that happened 100 years ago. The 1890 Admissions Act was the first time there was any provision whatsoever for a normal school. He would like 1990 to be the first time there was some provision for a possibility of a state park. There wasn't any funding then, there was only 100,000 acres there. There doesn't have to be any funding at this point, there only has to be a general development plan initiated. In 1893, they said go ahead and establish Albion Normal School, but do it without any money. He hoped 1993 would be a little better than that and they wouldn't say go ahead and establish the campus and field institute, but there isn't any money. Perhaps at that point that could be a transition of the campus to state ownership and that if nothing else, just maintenance of the

grounds. 1894 was the first time they opened the door to the Normal School and 1895 was the first time funding was provided, and that was over a gubernatorial veto. So it has been contentious since it started and there is no reason for it not to be contentious 100 years later.

Mr. Kempton pointed out several areas in the feasibility study that need further explanation, cost per visitor being one. Historical sites may not be something that compels everybody to jump in their car and drive 3000 miles to see. He felt that 60-80% of the traffic that goes to the City of Rocks on a national basis would take the loop towards Albion if there is a state park there. If they are coming in from the south they will come in and backtrack. If they go straight up towards Yellowstone, they might do that, but if they come in and going west in any direction, maybe up to north Idaho or certainly Oregon or Washington, the route would be in around one way or the other, it's a loop, out to the interstate again. There's probably a lot more potential for visitor involvement with the City of Rocks there than most of the historical sites in the state right now. The funding resources remain indefinite. That's why a general development plan needs to be done to investigate conditions of possible transfer of ownership from the City of Albion to the state of Idaho, examine possible alternatives for the specific use of buildings, establish infrastructure requirements for the site to be developed as a state park and would be sufficient in detail to demonstrate that responsible development planning had been completed before more extensive legislative funding would be requested. Mr. Kempton said the National Guard engineering battalion is willing and able to work on this project, whether it be asbestos abatement or some other assistance, with a possibility of a full summer program involving out-of-state units. Continued involvement of the Idaho Department of Parks and Recreation through the goal approach is necessary; involvement to assist the Albion Campus in gathering public support during the early planning phase while nothing is going on except this development program. Alternative funding sources are particularly sensitive to the perception of positive action being undertaken by a state agency. After the parks board selected a different site for the centennial park, the Albion committee continued to try to find reasons why it should be a state park and about that time Senator Darrington had occasion to talk to Gaetha Pace and she indicated an interest in trying to find a location for the considerable collection of Idaho Folk Art that exists and has even gone on tour in Idaho and the Far East. She came down and toured the campus and said if you can get some money, she felt she could get some money if the Idaho legislature would appropriate a cultural facilities grant. The result was a combination of funding of \$20,000 this year. They're just finishing up the inside of the 1893 building. Mr. Kempton said they estimate they can do that building for about \$60,000, or about \$40 a sq. ft. The projection in the study was about \$96,000, so he is inclined to think the figures in the study are high. A field institute is typically rustic. It must meet Code, but the renovation of those old buildings does not have to be to return the campus as it was. The group facilities include the field institute, folk life museum, youth groups. So with a field institute located at Albion, it would spread all over from the Hagerman Fossil Beds to Fort Hall, programs for the handicapped and disadvantaged we want to get into very much because they are already under way there with the Forest Service and some of their C.W. Hogg programs and the work they are

doing on the Albion division of the Sawtooth National Forest where they are specifically setting up programs for the handicapped and that is exactly what we want to get into. Finally the GDP should address the merit of rural economic development. Mr. Kempton concluded by asking the board to at least acknowledge formally that there is an interest, there is a reason, there is a possibility, there is a goal that may be able to be achieved, that we can get there together. There is a \$25,000 endowment that has just become available now that the Alumni Association has established their nonprofit and tax exempt status under 501(c)3. They did that the first of January, the receipt of that was for all of '89 fortunately because we had managed to gather from the alums last year about \$18,000. That \$18,000 was generated from 363 out of 1,000 alumni on the register. Mr. Kempton said that if it becomes a state park, everything that has been done transfers to the state.

Chairman Shewmaker asked Mr. Stallman, representing the Idaho Citizens Network if he would like to comment?

Mr. Stallman said he's here on behalf of Pam Heward, Idaho Citizens Network. They have five chapters throughout the state; they consist of Coeur d'Alene, Silver Valley, Pocatello, Burley, and Boise.

Mr. Stallman read a letter from Ms. Heward, as follows:

January 12, 1989

To Whom It May Concern,

The Idaho Disabilities Coalition, Chapter of ICN, and the Sawtooth National Forest have been vigorously involved in opening up new opportunities of adventure for the physically challenged throughout the forest. Their combined efforts include horse mounting ramps at trailheads. This allows people in wheelchairs, short-legged people, and others with mobility problems to more easily mount a horse and be off to a wilderness adventure. Together they have also redesigned what "Barrier Free" design means by including those individuals directly affected in the design and planning process. These include comfort stations, trails, trailheads, mounting ramps, etc. Their designs have gone to seven other states so far.

The Albion Campus Proposal has sparked a unique way to further these efforts and continue to open up opportunities for everyone. People with disabilities and the elderly would like to see accessible lodging, showers, and cooking facilities be available as well as be able to store adaptive equipment to be used in the various educational and recreational programs.

There are unlimited opportunities available just minutes away from Albion. Pommerelle Ski area, Independence Lakes, Lake Cleveland, City of Rocks, as well as numerous other trail and water opportunities. The sky is the limit.

Groups throughout the Intermountain West could access these facilities if this project becomes a reality. What better way to start the Centennial year than by creating progressive educational and recreational opportunities for all. This would be a first of its kind in this area. What a boost it will be to the whole community.

We have been asked to be consultants to ensure barrier free design for the elderly and disabled. We support the concept of preserving a legacy while reopening up educational and recreational opportunities. We urge you to do the same as you seek legislative funding to begin to make this a reality.

Sincerely, Pam Heward, Idaho Citizen's Network, Burley
Staffperson, 1334 Albion Avenue, Burley, Idaho 83318.

Mr. Kempton said everyone involved recognizes that budget constraints are tight. He has asked Representative Newcomb and Senator Darrington and the ones they are working with to not only try and put in the \$36,000 to stabilize the buildings but to put in \$25,000, (estimated one man-year for whatever use that would go towards) and to start this general development plan that would take us through the year and perhaps some of the next to try to get back into the budget cycle.

Mr. Stallman said he is with the coalition out of Pocatello, and they would be willing to be of any assistance over the next years, would be available in any way to be of assistance to make any recommendations for any access situations.

Mrs. Robertson thanked Mr. Stallman for bringing this to the board's attention and felt this is the time, as the board considers going into a plan, if the board does go ahead with this, this is the proper timing for considering accesses such as you're recommending.

Chairman Shewmaker asked for any questions or discussion. Hearing none, he called for any action the board members might wish to take.

Mr. Thomson presented the following:

WHEREAS the Albion Normal School site has been determined to be a site of special local, state and national historical significance and,

WHEREAS the Idaho Department of Parks and Recreation is charged by Idaho Code 67-4219 to . . . formulate and put into execution a long range, comprehensive plan and program for the acquisition, planning, protection, operation, maintenance, development and wise use of areas of scenic beauty, recreational utility, historic, archaeological or scientific interest, to the end that the health, happiness, recreational opportunities and wholesome enjoyment of life of the people may be further encouraged.

FURTHER, as provided under Idaho Code 67-4223, Powers of the Board: . . . the park and recreation board shall make no commitment or enter into any agreement pursuant to an exercise of authority under sections 67-4218, et(.) seq., Idaho Code, until it has determined that sufficient funds are available to it for meeting the state's share, if any, of project costs.

Mr. Thomson offered the following motion:

- 1) That the Idaho Department of Parks and Recreation find the Albion site appropriate as a future historical state park.
- 2) That the Idaho Department of Parks and Recreation staff and Board consider and prioritize in the next legislative budget request package a proposal for stabilization of the buildings and preparation of a general development plan. The agency remains very concerned about the problems and financial obligations necessitated by the preexisting asbestos problem at the site and requires resolution of this prior to any acceptance of this site. The Idaho Department of Parks and Recreation shall not open, market, or operate the site as a state park until funding is provided for the building stabilization and the staffing and operating expense funds necessary to manage the site.

Mrs. Robertson seconded the motion.

Chairman Shewmaker called for discussion on the motion. Hearing none, he called for a vote on the motion.

All votes were cast in the affirmative, with the Chair voting aye. None opposed. Motion carried.

ORMV ADVISORY COMMITTEE APPOINTMENTS

Mr. Poulsen presented the following written report, which was prepared by Mr. Lew Munson and Mr. Chuck Wells:

The 1989 Legislature made changes in the ORMV Fund statute that directs the Idaho Department of Parks and Recreation to restructure the ORMV Fund Advisory Committee to include non-motorized representation. To accomplish this, the Idaho Department of Parks and Recreation established a set of criteria for the nomination process and developed nomination forms to facilitate and standardize the process. A press release was sent to newspapers in the state, as well as letters with the nomination information were sent to organizations and groups that had expressed interest in having representation on the committee.

Idaho Department of Parks and Recreation staff has reviewed all of the nominations and selected two nominees for each position for consideration by the board. In the selection process, strong emphasis was placed on individuals nominated by state or regional organizations or user groups, as well as other qualifications.

The following nominations are presented for consideration:

ORMV Fund Advisory Committee Nominees

North Idaho (Regions I & II)

Representing:

ATV/Trailbike

Recommended by

1-M. Kathleen Sims - Coeur d'Alene
2-Mike Scott - Coeur d'Alene

Idaho Trail Machine Assn. (ITMA)
Independent

Snowmobile

1-Del Kerr - Coeur d'Alene
2-Bill Bennett - Sandpoint

Idaho State Snowmobile Assn. (ISSA)
Independent

Non-Motorized

1-Clyde Blake - Post Falls
2-Terry Oliver - Kootenai

Independent
Timber Industry

Southwest Idaho (Regions III & IV)

Representing:

ATV/Trailbike

Recommended by

1-Martel Morache - Boise
2-Joe Steffens - Twin Falls

ITMA
Independent

Snowmobile

1-Ted Thornton - Boise
2-Ron Ashley - Boise

ISSA
Independent

Non-Motorized

1-Eric Fisher - Boise
2-Chet Bowers - Boise

Idaho Conservation League (ICL)
Independent

Southeast Idaho (Regions V & VI)

Representing:

ATV/Trailbike

Recommended by

1-Kelly D. Hart - Idaho Falls
2-Jeffrey Cook - Idaho Falls

ITMA
Independent

Snowmobile

1-Brett Rassmussen - Preston	ISSA
2-Irene Atamancyk - Idaho Falls	Independent

Non-Motorized

1-Dr. Ralph Maughan - Pocatello	Sierra Club
2-V. Don Olsen - Salmon	Cattle Industry

Staff recommends that the board select one of the two nominees in each category for each area to serve on the ORMV Fund Advisory Committee, with the second nominee to be the alternate in case the first choice cannot fulfill the duties of the committee.

All attachments - News release, Letter to organizations, Nomination form, Legislation creating committee, Selection criteria, Committee terms of service, Completed nomination forms on recommended applicants, and the complete list of applicants substantiating the above nominations are on file in the central office, are available for public inspection, and are hereby made a party of this record by reference.

Mr. Poulsen said the process to select the ORMV advisory committee is quite extensive and provides objective criteria from which to evaluate each applicant or nominee.

Mrs. Robertson asked if the applicants are prioritized one and two by staff? Mr. Poulsen said the first one listed is the first recommendation of the staff.

Mr. Thomas said there is a typographical error in the middle of page 73, it says North Idaho (Regions I & II). Regions should be changed to Districts and that should prevail on the next page, too.

Mr. Thomas read the following memo into the record:

DATE: Jan. 17, 1990
TO: Board Members, Dep't. Parks and Recreation
FROM: Bob Thomas, Board Member, District #1
Tom Neal, Board Member, District #2
SUBJECT: Recommendations for Off-Road Vehicle Advisory
Committee Members, Region #1.

A list of six prospective nominees for the three positions on the ORV Advisory Committee for Region #1 was received from the Dep't. of Parks and Recreation.

The four nominees from the Coeur d'Alene and Post Falls area were personally interviewed by me. To save a special trip a request was made of an acquaintance in Sandpoint for his personal evaluations of the two nominees in the

Sandpoint area. All of the interviews and evaluations were positive.

Based on the information contained in their application/nomination forms, evaluations received, and additional recommendations from the user public, I therefore recommend the following be appointed to the ORV Advisory Committee from Region #1:

1. M. Kathleen Sims, Motorbike/All Terrain Vehicle Representative.
2. Delbert L. Kerr, Snowmobile Representative
3. Clyde D. Blake, Non-motorized Representative

Respectfully Submitted, Robert G. Thomas.
I hereby concur with the above recommendations. /s/Tom Neal.

Mr. Thomas moved the three nominees for Districts I & II be appointed on the ORV advisory committee. Mr. Neal seconded the motion.

Chairman Shewmaker called for any discussion on the motion. Hearing none, he called for a vote on the motion.

All votes cast were in favor of the motion. None opposed. Motion carried.

Mrs. Robertson moved that the board, for Districts 3 and 4, accept the first choices under ATV/Trailbike, Martel Morache, Boise; Snowmobile, Ted Thornton, Boise; Non-motorized, Eric Fisher, Boise, as recommended by staff. Mr. Thomson seconded the motion.

Chairman Shewmaker called for discussion on the motion. Mr. Later said he has some questions but doesn't know exactly how to phrase it. Chairman Shewmaker said perhaps the board would prefer to go through a scoring process and assign one or two points to each nominee.

Mr. Later said the board does have a motion on the floor and it's been seconded. Chairman Shewmaker called for any further discussion on the motion. Hearing none, he called for a vote on the motion.

Votes cast in favor were Monte Later, Sheila Robertson, Bob Thomas, and Ren Thomson. Opposed, Glenn Shewmaker and Tom Neal. Motion carried on a four to two vote.

Mr. Thomson moved that Districts 5 and 6 ORV advisory committee members be ATV/Trailbike, Kelly D. Hart, Idaho Falls; Snowmobile, Brett Rassmussen, Preston; Non-motorized, Dr. Ralph Maughan, Pocatello. Mr. Later seconded the motion.

Chairman Shewmaker called for additional discussion. Hearing none, he called for a vote on the motion.

All votes cast were in favor of the motion. None opposed. Motion carried.

PROPOSED AMENDMENTS TO EXISTING RULES, WATERWAYS IMPROVEMENT FUND

Mr. Poulsen presented the following written report, which was prepared by Jeff Hoedt:

Following is an explanation of the proposed amendments to the Waterways Improvement Fund rules for your consideration.

EXPLANATION OF AMENDMENTS TO EXISTING RULES:

IDAPA 26,61,2. - DEFINITIONS - The definition of "Applicant" has been amended for further clarification. Further, the term "Boating Program Coordinator" has been changed to "Boating Program Supervisor" to match the job title of the reclassified position. Further, the definition of "Participation Manual" has been added to this section.

IDAPA 26,61,3. - ELIGIBLE APPLICANTS FOR WATERWAYS IMPROVEMENT FUND GRANT MONIES - This section has been amended to include "federal" governmental agencies.

IDAPA 26,61,4. - APPLICATION PROCEDURES - This section has been amended to recognize other documentation required in the application process and the development and use of a grant participation manual. This section has been further amended to include the IDPR staff in the application process in addition to the boating program supervisor. This section has been further amended to include the requirement for a technical report relating to an application at the discretion of the director.

IDAPA 26,61,5. - PROJECT TIME PERIOD - This section has been amended to recognize the maximum project time period for a multi-year project to be two (2) years.

IDAPA 26,61,6. - ELIGIBILITY AND PRIORITY RATING OF PROJECTS - This section has been amended to include the IDPR staff in the rating of projects. This section has been further amended to eliminate eligibility of projects completed or paid for prior to grant funding approval. This section has been further amended to develop and recognize the use of a grant participation manual and a priority (point factoring) rating system for proposed projects.

IDAPA 26,61,7. - AUTHORITY FOR FUNDING APPROVAL - This section has been amended to clarify who has authority to approve various financial levels of grant project funding. This section has been further amended to clarify the cost increase process for projects. This

section has been further amended to add a maximum funding cap for grant funds approved to be used in any one county.

IDAPA 26,61,8. - DISBURSEMENT OF FUNDS - This section has been amended to clarify what documentation is required. This section has been further amended to allow the director to approve advance payments. This section has been further amended to clarify the handling of returned grant funds.

IDAPA 26,61,12. - RESPONSIBILITY FOR EQUIPMENT PURCHASED WITH WATERWAYS IMPROVEMENT FUND MONIES - This section has been amended to eliminate the minimum lease price of \$1 per year.

IDAPA 26,61,13. - REAL PROPERTY - This section has been added to the rules in order to adequately deal with the increased demand for land acquisition and other real property, resulting from HB 492 and the increased funding.

IDAPA 26,61,13-20. These sections have been amended to reflect the necessary reference number changes caused by the addition of a new section 26,61,13.

The staff concerned with this program has been very involved in drafting these rule changes and they have been reviewed by our deputy attorney general. Please keep in mind that they are in draft form and are certainly subject to further change. They are presented on the following pages, in legislative bill format, for your first review and approval before we start the public input process through the Administrative Procedures Act.

Staff is asking for board preliminary approval of the attached rules so that the promulgation process can proceed through the Administrative Procedures Act.

The proposed rules, in legislative bill format, are attached hereto and hereby made a part of this record.

Mr. Poulsen said the board is going to be increasingly involved in the ongoing process of rules now that they have established rules for each of the grant programs. Today's presentation is a part of the ongoing process of refining those rules and updating them. One of the areas is the rating of project applications and application procedures. When the rules were first established, a much less objective type of system was used to determine which projects would be funded. We now have a manual available for people involved in the Waterways Program across the state to use and a system to evaluate their projects in a fair and equitable manner. If these amendments are acceptable to the board, then this will continue through the promulgation process and go out for public review. They will be presented to the board for their final decision at a future board meeting.

Chairman Shewmaker asked for discussion or action on the proposed rule changes.

Mr. Later moved that the board give preliminary approval of the proposed changes to the Waterways Improvement Fund rules so staff can continue the promulgation process through the Administrative Procedures Act. Mr. Thomson seconded the motion.

Chairman Shewmaker called for discussion on the motion. Hearing none, he called for a vote on the motion.

All votes cast were in favor of the motion. None opposed. Motion carried.

FUNDING CYCLE SCHEDULE - LAND AND WATER CONSERVATION FUND

Mr. Poulsen presented the following written report prepared by Jake Howard:

IDAPA 26.65.27a states, "When funding levels permit, a funding cycle shall be held once a year. The board may suspend (through formal action at any regular meeting) the annual funding cycle when the annual allocation is deemed too small to make it practical. A funding cycle shall be held no less than once every two years."

Due to limited funds over the past several years, only \$165,000 was appropriated in 1989. Based on the status of the American Heritage Trust Fund Program in Congress, it appears that increased funding will not be made available for 1990. Consequently staff feels that \$165,000 funding does not warrant a funding cycle.

Staff's recommendation is that the board suspend the 1990 L&WCF funding cycle.

Mr. Poulsen added that allocations to this state have been very minimal over the past several years and through the process of evaluating projects last year enough projects were approved to use the revenues that will be available in 1990. It is a very expensive process to go through and evaluate those projects, pulling a committee of 20 members from across the state together. Staff has discussed this extensively and have received advice from the National Park Service that because of the small amount of funding and required effort to evaluate all of those projects, and there are projects that can use that money that have been approved, that staff not go through that whole process for the 1990 year.

Mr. Neal moved that the board suspend the 1990 LWCF funding cycle. Mr. Thomson seconded the motion.

Chairman Shewmaker asked for any discussion. Mrs. Robertson said what happens to that money? Is it just held over for the next cycle? Mr. Poulsen responded that there were enough projects that were presented and approved last year to be able to use that additional money, so it will be used within the year. The allocation for Idaho from the LWCF was \$156,000 for 1990. It's normally a little over \$160,000.

Chairman Shewmaker called for further discussion. Hearing none, he called for a vote on the motion.

All votes cast were in the affirmative. Opposed, none. Motion carried.

CERTIFICATE OF VALOR

Mr. Poulsen presented the following written report prepared by Jeff Hoedt:

Nomination for the Idaho Department of Parks and Recreation
"Certificate of Valor" award - Deputy Mel Shingleton - Twin Falls County.

On June 10, 1989, Mr. Rick McCollum, Mrs. Donna McCollum, and their two children, Mike and Ricky were canoeing on the Snake River in the Twin Falls (Blue Lakes) area. The canoe capsized, throwing all four occupants into the river. Mrs. McCollum and the two children, with life jackets on, managed to hang onto the canoe to keep themselves afloat and together, but the husband was not so fortunate. Without a life jacket, and unable to hang onto the canoe, Mr. McCollum disappeared under the surface and drowned.

A call was immediately placed by a local resident to the sheriff's department to inform them of the accident and the immediate need for help. Responding were deputies Mel Shingleton and Dan Mort. Upon arrival at the scene, Deputy Shingleton spotted Mrs. McCollum and the children hanging onto the canoe and calling for help. He immediately dove into the 53 degree river and swam out to the victims, where he managed to grab all three and the canoe and swim back to shore.

Deputy Shingleton did place himself in a very dangerous situation where his own personal safety was directly endangered. However, had he not done so, there is the definite possibility that any or all three of the remaining victims could have been seriously injured or died.

Seeing that this accident did involve participation in a recreational activity (boating), and that another person provided an outstanding service to the victims of this accident by heroically risking his own personal safety in order to rescue the victims, we would like to nominate Deputy Mel Shingleton for the IDPR "Certificate of Valor" award.

Staff recommendation is that the Board approve this recommendation for the "Certificate of Valor" award and that the Department be ordered to expedite the issuing of the award to Deputy Mel Shingleton.

Mr. Thomson moved that the board approve the recommendation by staff and award deputy Mel Shingleton the certificate of valor. Mrs. Robertson seconded the motion.

Chairman Shewmaker called for discussion on the motion. Hearing none, he called for a vote on the motion.

All votes cast were in favor of the motion. None opposed. Motion carried.

REGIONAL RECOGNITION AWARDS

Mr. Poulsen presented the following written report on behalf of Jeff Hoedt:

Nomination for the Idaho Department of Parks and Recreation "Regional Recognition Award" - various persons and organizations in the Lewiston/Nez Perce Co. area.

For the past three years, several persons and organizations have donated time, money and services to promote Safe Boating Education and encouraging the public to participate in Safe Boating Practice in the Nez Perce Co. and Lewiston areas. This effort has been unique in Idaho and has set a great example for others to follow.

The results of this effort are beginning to be realized as Nez Perce County experienced no boating fatalities or major boating accident property loss in 1989. This is especially significant in this year of high record setting fatalities statewide, and in light of the fact that Nez Perce County is one of the most highly boated areas in Idaho.

As stated in the IDPR policy manual, this is a case where those at the local level have given much time and effort to promoting and assisting a very necessary recreational program. This is also a case where individual efforts would probably not have experienced such significant results. It was the involvement of all of these participants that made it possible to attain such positive results. Therefore, the entire group listed below is being recommended for the Regional Recognition Award.

- 1) Sgt. Thomas Crabson, Nez Perce Co. Sheriff's Department
- 2) Rose M. Sanders, Potlatch Corp.
- 3) Barbara A. Johnson, Idaho Transportation Dept.
- 4) Ken Squires
- 5) Joan Pasco, Lewiston Chamber of Commerce
- 6) Bill Loftus, Lewiston Morning Tribune
- 7) Richard C. Rogers, Riverview Marina
- 8) Ray Thayer, Clearwater Power Company
- 9) Tom Boyer, Kiwanis Club

Staff recommendation is that the Board approve this recommendation for the "Regional Recognition Award" and that the Department be ordered to expedite the issuing of the award to the above list of individuals and organizations.

Mr. Poulsen added that the recommendation is that these people all be given certificates for this regional recognition award. They don't work as a group, they work with the sheriff's office on an individual basis. They had a very serious fatal accident several years ago and I think that is what increased the awareness, and they have been able to avoid any fatalities since that time. Staff recommendation is that these individuals in Nez Perce County be recognized for their efforts in boating safety.

Mr. Later moved the board approve the recommendation for regional recognition awards and that the department expedite the issuing of the award to these individuals and organization. Mr. Thomson seconded the motion.

Chairman Shewmaker called for discussion on the motion. Hearing none, he called for a vote on the motion.

All votes cast were in favor of the motion. None opposed. Motion carried.

Director Ferrell said staff will be calling upon the board member closest to the constituents to participate in that awards ceremony.

ACQUISITION AND DEVELOPMENT SCHEDULE UPDATE

Mr. Mews presented the following report to the board. It is an informational report with no board action required. The acquisition and development schedule charts are attached hereto and hereby made a part of this record.

The first page lists those projects funded through the department's regular budgeting process. The second page identifies the planning projects which are not funded but which staff will be working on. The third page is a listing of the projects funded by the Permanent Building Fund, the Recreational Vehicle Fund and the Waterways Fund.

All projects are in the process of implementation. The form identifies the funding source, amount, and the status of each project for FY '90.

PRELIMINARY REPORT ON MARY MINERVA MCCROSKEY MEMORIAL (MMM) STATE PARK GENERAL DEVELOPMENT PLAN

Mr. Mews presented the following report prepared by Mr. Dave Okerlund.

Work is underway on the general development plan for Mary Minerva McCroskey State Park. Staff is currently compiling data for Chapter Two (resource inventory, analysis and classification).

An eleven-member planning advisory committee has been organized to assist in the preparation of the general development plan. Members of the committee include:

Rick Cummins - Coeur d'Alene
Terry Doupe' - DeSmet
Charles Wellner - Moscow
Ralph Papenfuhs - St. Maries
Nanci Johansen - Moscow

James Eagan - Star
Loring Jones - Moscow
George Mills, Jr. - Tensed
Bob & Jeri McCroskey - Spokane
Harold Osborne - Moscow

The first of several workshops will be held in Moscow on January 12, 1990. The committee will hold a workshop in the park this spring. Everett Hagan, IDPR seasonal maintenance ranger assigned to McCroskey State Park, is assembling a trails subcommittee to provide specific input on this issue.

The preliminary draft of the general development plan will be available for review by the Parks and Recreation Board at their May 1990 meeting.

This report is for board information and no board action is requested.

Mr. Mews added this is a result of the on-site meeting last spring with a number of citizens interested in the park. In keeping with that interest and the activity of the legislature last session, staff proceeded to start the planning process for a general development plan for MMMM. Dave Okerlund, development planner on staff, is leading the planning team.

LOCAL PRESENTATION

A Recreational Plan Whose Time Has Come

Mrs. Robertson introduced Mr. Hugh Harper, who is at this board meeting at her request. She explained that during the past year when she talked to staff, Chuck Wells gave her the department publication dated 1980 called "Idaho Recreation Trails." Within it there is a list of what the department should consider doing, recommendations as to horseback trails, hiking, etc. One of them, at that time, was recommendations as to what this department should be doing with respect to water trails. Mrs. Robertson said she has a personal interest in water trails and has been looking for the right one to get involved with. Last Sunday in "The Statesman" newspaper, Mr. Hugh Harper was featured on the front page and in this morning's paper, the editorial page is devoted to an idea that Mr. Harper has of converting the Boise river into such a water trail. The recommendation in this publication from the department comes in an "observation and recommendation" format. The observation is, "with Idaho's many rivers and streams a state system of water trails is needed." The recommendation is "the IDPR should study existing streams and rivers and designate those used as trails as part of the state system of trails."

Mr. Harper distributed a letter that is incorporated into this record as follows:

An Open Letter To: Directors Idaho Departments of Parks and Recreation and Water Resources; Mayors and Councils of Boise, Caldwell, Eagle, Garden City, Middleton, Nampa, Notus, Parma and Star; Commissioners of Ada and Canyon Counties; Boise River Trail Foundation; Boise River Irrigators and Contiguous Landowners and Treasure Valley Recreationists.

Subject: A Recreational Plan Whose Time Has Come.

In 30 plus years I have seen the transition of the Bosie River from a virtual trash and waste disposal system to an attractive, high quality river that supports a good fishery, lots of wildlife habitat, an ever-increasing amount of recreational use and needed irrigation water. The quality, beauty and value of the river has been enhanced by the Greenbelt with its bicycle/pedestrian paths from Lucky Peak Dam through Boise, with more under construction in Garden City, and further extensions planned to Eagle Island State Park. This pathway system will provide about 19 miles of esthetically pleasing environment along one or both sides of the river.

In addition to riverside use which includes much fishing, floating use of the river is increasing greatly. it is estimated that during the hot days of July and August, 1989, 1200 to 1500 people per day floated the river downstream from Barber Park. On 3-day weekends, July 4 and Labor Day, about 15,000 people float the river in rafts, canoes and tubes. It is surprisig to realize this many people depend on the river for their recreation, but easier to understand when the estimated population of Boise as of January 1, 1990 was 115,726 with 197,502 people living in Ada County. Along with these people, Canyon County's population is now 92,109. Together Ada and Canyon Counties have 28.6 percent of Idaho's total population of 1,011,594 as of January 1, 1990 estimates.

With this background information I would like to share with you a proposal whose time has come. How about a safely floatable river from Boise to the river's confluence with the Snake River below Parma, a distance of 52 river miles downstream from the concrete diversion dam for Settlers Canal in Boise's Ann Morrison Park? A pedestrian/bicycle path should also be provided on one river bank or the other, along with several overnight camping sites, sanitary facilities and road accesses. Accomplishment of this plan would make it possible for people to enjoy two to three-day floating, hiking, bicycling and camping trips on this 52-mile aquatic scenic route.

The plan would boost tourism and recreational use in Treasure Valley which would be financially beneficial to the communities through sales of food, gasoline, recreational equipment, shuttling services, etc. The plan would help tie the communities of Treasure Valley together. it would provide fine recreational opportunities in our own area without us and tourists having to travel hundreds of miles for a

quality outdoor experience. And I cannot think of a better time to do it than in Idaho's Centennial Year! I am ready to help. Are you?

Hugh A. Harper, 1911 Mountain View Drive, Boise, Idaho 83706

Mr. Harper added that he has been thinking of this idea for 10-12 years and one of the things that stimulated him, he also works as a guide on the Salmon river with an outfitting company and they have guests such as the Smithsonian Institute, American Rivers people, last summer had the diplomats from foreign countries and a lot of U.N. representatives. He lives in Boise and when those people leave the river and come to Boise, they visit him and some of them would have some time and want to do something. He would take them on the Greenbelt, and they were quite enthused about that. Last week in Boise they had the Idaho Rivers Symposium and it seemed like a good time to sit down and write a letter, which is what he presented today. Mr. Harper said he isn't here today to ask for money or help. He just wanted to make the board aware of what he would like to do. He added that he has been contacted by an organized horse group in Boise and they wanted to be sure that horses could be included on this trail, too. There are all kinds of interests involved. Mr. Harper said there are problems, of course. There are about 28 irrigation diversions along the river, about 10 of them are concrete structures with headgates, about 12 others that are pretty formidable situations, then 6 or 7 smaller ones where a rancher has pushed up with a dozer a bunch of gravel, dirt, rocks, to divert the water into smaller irrigation ditches. There is quite a bit of public land involved because Boise river is a river that was declared by law navigable a number of years ago. Not too many streams in Idaho were. So, the area where the river flowed at that time is public land. The river has changed many times and when it has changed to an area, he believes it becomes public lands. There is some state land, some BLM lands, and of course a lot of private lands. Some of the private landowners will be concerned about their property. May have to get some conservation easements, think the access sites mentioned might be provided on the public land and maybe the rancher wants to collect \$2 per person for camping overnight. This is very much in the preliminary stage. He will start working with communities and interests identified, and there may be some grants available. He would like the board's endorsement of the project.

Mr. Neal said, didn't the Oregon Trail follow the river to the Snake? Mr. Harper said yes, the Oregon Trail is a very important part of it, too. The Oregon Trail, Fort Boise, early settlement of Idaho, so it kind of meshes together.

Mrs. Robertson moved that the board endorse Mr. Harper's project.
Mr. Thomas seconded the motion.

Chairman Shewmaker called for discussion on the motion. Hearing none, he called for a vote on the motion.

All votes cast were in favor of the motion. None opposed. Motion carried.

MALAD GORGE LAND ISSUE

Director Ferrell said she didn't think it would be necessary for the board to go into executive session, and asked Mrs. Just to briefly bring the board up-to-date on a land issue at Malad Gorge.

Mrs. Just said staff has recently been having some conversations with Vern Ravenscroft, former State Senator and hydro-developer about his Malad High Drop project within Malad Gorge State Park. Staff has worked with him for quite some time and have worked agreements out with him on other projects. Mr. Ravenscroft came to us and said he might be changing some of his ideas; that he had an opportunity for a joint venture with Idaho Power Company at the Malad Gorge location. His joint venture with Idaho Power would make some significant changes in what he originally proposed and the FERC licensed project. Staff felt it probably wouldn't be acceptable and wrote Mr. Ravenscroft a very nice letter indicating thanks, but no thanks, and told him we were looking forward to seeing plans on his original proposal. Idaho Power came to IDPR and suggested that they might have some property interests in Malad Gorge State Park that IDPR wasn't aware of. Staff started to look at it and everything in our files indicated that Idaho Power had some very old rights-of-way, but very limited in scope. On the property IDPR purchased in fee from private individuals, the title policies indicated there was some rights-of-way for a wagon road. Mrs. Just said she didn't find that of concern because you can't put a canal on a wagon road right-of-way and it would have required some additional property interests that Idaho Power would have had to acquire. Idaho Power did some more research and discovered they're pretty sure that they own some property rights in Malad Gorge State Park. They have provided IDPR with some documents and she has spent some time trying to validate them. It does appear that Idaho Power owns some property in Malad Gorge State Park. When IDPR acquired the park, it was several parcels from a party named Wolfe and adjacent to it, acquired some land from some people named Gold. IDPR's title policies show there is a right-of-way for a wagon road across those parcels that IDPR acquired in fee. There is also a parcel that belongs to the Department of Lands. IDPR has leased that from them for quite some time and our lease expires in 1992. In 1911 this all belonged to the Department of Lands because it's all in section 36, a school section. The Department of Lands in 1911 gave a right-of-way to what was then the Beaver River Power Company for this wagon road and for the development of a tramway, a flume, a power plant and an associated camp and that went on for a couple of years. Then in 1914 evidently Idaho Power, which was by that time successor to Beaver River Power Company, went to court and condemned these five parcels and evidently the Department of Lands was not aware that they had been condemned in 1914. They still thought they had a right-of-way up until two days ago when she talked to them. The condemnation order apparently was recorded. Jack Yarborough, Park Ranger at Malad Gorge checked Gooding County recordings and in fact there is a recorded condemnation order. The legal significance of that is unclear, because it has been sold and resold, and from the first title on they all assumed this was right-of-way. None of the title documents ever seemed to pick up that condemnation report. So, it appears that Idaho

Power owns about 10 acres total in all of these parcels. We don't know where that leaves us in regard to the proposed Idaho Power/Vern Ravenscroft joint venture for developing a hydro project through that area. Ms. Just said she would continue to research it and the legal significance of nobody having found that condemnation order. The difference between it being a wagon road right-of-way and it being a fee-simple ownership is fairly substantial as far as the department is concerned. In fact, property taxes have been paid, not by Idaho Power but by somebody else, on these parcels since 1914.

Director Ferrell said the entire park comes within LWCF boundaries, which will create a major problem.

Mrs. Just said Idaho Power will be having some further discussions with staff. In response to a question from Mr. Later, Mrs. Just said if Idaho Power condemned the land, they own it and they can do whatever they want with it. Anything. It evidently includes the land they need for this development. That's the significant difference to this agency between it being a right-of-way and fee simple title. If it was a right-of-way, IDPR had a lot of control over what they did. They need to put a canal in from their point of diversion to their proposed power plant. The right-of-way for a wagon road would have done them absolutely no good at all, but since they own it in fee simple, it doesn't matter what they use it for. We don't have a lot to say about it except on their request for a new FERC license.

Bill Dokken said they are now proposing to bring the water down through the park, use an existing ditch that's there, and bring it over and then drill a hole down and put the power plant right at the bottom of the canyon. Under this proposal, Idaho Power's diversion is located just down stream or right at where the water is dumped, so Idaho Power could use the water to get through their system. That's why Idaho Power is jumping on the bandwagon in support of this. They're not in support of Ravenscroft's application to go around because they wouldn't have use of the water. They are in support of this, and they feel we should allow them to come through the park with their diversion.

Mrs. Just said this wagon road is not an existing ditch. It's not even close to a ditch.

Mr. Later said it looks like it completely messes up the park. Mrs. Just said it comes through the middle between the day use area and the canyon rim.

Mrs. Just said what they don't have at this point is a FERC license. Mr. Ravenscroft has a FERC license for his project, but they would have to have that license amended in order to be able to accomplish what they propose.

Mrs. Robertson asked what some of the implications are with the LWCF? Director Ferrell said the National Park Service could tell IDPR that the park was no longer a viable LWCF project and that the entire park would have to be replaced with another park of equal recreation utility. That would present a major problem for us.

Mr. Mews said that 40 acres the Department of Lands owns is endowment lands. They could sell that out any time. It's one of the critical 40's that is on the list that IDPR needs to buy from Department of Lands because their obligation is to get all the income they can off that property.

Mrs. Just said they may very well be able to sell that piece of property to Idaho Power so that Idaho Power owns the entire 40 acres.

Director Ferrell said Idaho Power/Ravenscroft proposes to do a vertical penstock pipe down through the ground with the powerhouse down next to the existing Idaho Power plant tucked into the base of the canyon. I don't want you to leave here visualizing some big structure up on top of the canyon rim in the park, because that is not part of Ravenscroft's plan.

Mrs. Just said the structures on top would involve canals and some flumes and a drill hole. They would be open canals. Their right-of-way is 50 foot wide.

DIRECTOR'S REPORT:

County Vessel Account Legislation:

Director Ferrell reported that an Attorney General Opinion #89-11 was issued in October pertaining to the use of monies in county vessel funds and state waterways improvement funds. That opinion said there were certain allowable uses for the county vessel funds. They were not to be used for building shoreside facilities, roads and things like that. That was passed on to the counties because staff was aware that they were not operating within the law. Kootenai County and the 4-county resource committee has proposed to change the vessel account law to read similar to the waterway improvement law. Staff thinks that's a good solution. It allows them to, providing that the legislature and the boating public supports that, provide the shoreside improvements that counties consider very necessary for supporting the boater activity. The current vessel account law is too narrow for them to legally do that, so IDPR has told them that if they would use the same language that is in the waterways improvement legislation staff could certainly support that and they would then be operating legally. That's not going to take care of the counties that go out and buy cars and sheriff's vehicles out of waterways improvement money when they have no boating facilities or no boats, but it does take care of parking lots and sanitary facilities and things like that for boaters.

Joint Board/Commission Meeting/Washington State Parks Commission:

The Idaho Parks and Recreation Board and the Washington State Parks Commission is slated for a joint get-together the end of May and they propose a tour of the Snake Canyon. The best commercial price is \$55 per person for a full day trip including lunch. Director Ferrell said she cannot recommend that this be a state paid expense as IDPR does not own any property in the Snake Canyon and thought that would be courting an exception expenditure for the board. She will continue to explore other avenues for free or less-expensive rates.

Mrs. Robertson asked why the board members can't just foot the bill themselves. Director Ferrell asked if the other board members would want to pay a portion of the boat fee if she can't get it gratis? All indicated they would be willing to do that. The trip would be up the canyon to Copper Creek which is Beamer's facility where they would host lunch and return to Lewiston by 4:30 or 5:00 p.m.

Washington, D.C. Trip:

Director Ferrell said she is being urged by the National Park Service and NASORLO to go to Washington, D.C., to participate in some meetings to work on LWCF funding issues early in February. She said she hasn't decided if that is appropriate based on IDPR's own legislative package, but wanted to make the board aware in case they have any concerns about it. Mr. Thomson was the only one who commented and he thought the director should make the trip.

Veterans Memorial State Park:

Director Ferrell reported that the City has a proposal from Quinn Brothers Construction to modify the flood plain line on their properties that lie adjacent to Veterans Memorial State Park. Those of you who know the property, it's old dredged rock quarry land. Quinns have used it for a bone yard, an operating yard, very unsightly, sometimes contaminated water area and it lies just adjacent to the park and behind a fence. The reason the Quinn Brothers are attempting to move the flood plain out half-way, it would run right down the middle of their biggest ponds but would allow for some filling and it would provide a more economic incentive to private developers that would come in and build office buildings and condominiums or whatever that might be. IDPR initially had concern that by hardening any surfaces that it would create more of a tunnel effect, and in the event of 100-year flood there would be large amounts of water in the park that could be very detrimental. Mr. Mews has been working with the engineers in the city and feels that movement of the flood plain line isn't going to create any significant increased hazard to the park. At the same time that this happened, Director Ferrell went to see the Quinn brothers. They are still not real happy with this agency because the GDP for Vets park that was prepared 15 years ago came out and said all of their property should be included in Vets Memorial and that was done apparently without consultation with them and they have good memories. The property is now valued at between 10 and 15 million dollars. So, realistically, that's probably never going to happen. Director Ferrell said when she met with them she proposed that the development be done in a way that some amount of their property be included in the greenbelt or be added onto Vets Memorial state park to further provide buffer, greenbelt and habitat area in that whole area and try to upgrade the quality of that. They were not totally opposed to that. They were very interested and said they want to work with us and the city. Mrs. Robertson and Director Ferrell met with the Mayor, his park director and his attorney and discussed the same concerns. The Mayor expressed interest in that kind of a concept and in trying to find a way to authorize a floodplain movement that had some conditions attached to it as to how the development would actually be allowed. Mr. Mews has gone to a subsequent meeting in which they

have been looking at ways to ensure that these kinds of things happen, that greenbelt and open space be a part of any zoning. That area has the potential for being as beautifully done as any of the other nice developments that have taken place along the river. The board members all concurred that the director should continue to negotiate and influence that development and addition to the park.

BOARD REPORTS:

Awards: Mr. Thomas said the Idaho Wildlife Federation has scheduled a convention for Post Falls in April. At their state convention they give a number of awards. One category is "conservation organization of the year" and he intends to submit the IDPR for that award. Director Ferrell will be the featured luncheon speaker at that convention.

North/South Centennial Trail: Mr. Thomas said the people in North Idaho haven't heard too much about the centennial trail proposed from the Nevada border to British Columbia. The second centennial trail has been in the news for some time and that is in Kootenai County, with the object to come from Stateline through Post Falls and Coeur d'Alene and follow the highway along the lake out to Higgins Point. That was going along pretty good until they ran into difficulty in running the trail between Post Falls and Coeur d'Alene so until that difficulty is resolved they're not going to stop the trail coming from the Stateline to Post Falls anyhow. They're looking for funds so they invited Roger Williams, the one who made the trek from Nevada to British Columbia, to put on a slide show for them. The Coeur d'Alene Wildlife Federation and Kootenai Environmental Alliance jointly sponsored this slide show. It drew a turn-away crowd. There was approximately 200 people, so the of the approximately \$750 net from that program will be divided equally between Kootenai County and the statewide centennial trail. So the Parks department will be receiving a check for approximately \$375 for use on the north/south centennial trail.

NEXT BOARD MEETING

After some discussion, it was decided that the board would probably not meet in March, but may plan an extra day during the regular quarterly board meeting currently scheduled for May 31 and June 1 to discuss funding.

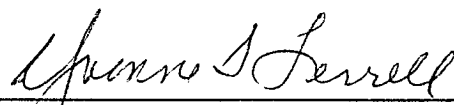
ADJOURNMENT:

There being no further business to come before the board,

Mr. Later moved that the meeting adjourn; seconded by Mr. Thomson.
All Votes cast were in favor of the motion. None opposed. Motion carried.

Meeting adjourned at 2:00 p.m., January 17, 1990.


Glenn Shewmaker, Chairman
Idaho Parks and Recreation Board


Yvonne S. Ferrell, Director and
Ex-Officio Member of the Idaho
Parks and Recreation Board